



Hall









L. S. DUNAWAY,  
The Author.



**JEFF DAVIS.**  
Governor and United States Senator



# JEFF DAVIS

*Governor and United States Senator*

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## HIS LIFE AND SPEECHES

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With Personal Reminiscences

by

L. S. DUNAWAY

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Introduction by  
JUDGE J. V. BOURLAND

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"My Friends Are Always Right to Me."

—JEFF DAVIS

Little Rock  
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## INTRODUCTORY

OLDER myself by some six years, my acquaintance with Jeff Davis runs back to about the year 1877 or 1878, speaking from memory. He was an applicant for a scholarship to West Point, and was attending an examination being held at Ozark, my native town. Amongst other applicants was DeRosey Cabell, now stationed at Washington, an officer in the regular army. Young Davis missed the goal, his only defeat, until death, January 2, 1913. It seems that his rival outranked him in the matter of orthography, whatever value orthography may be to a soldier. One of the words which young Davis missed was "*separate*." He spelled it "*seperate*." There were some others, but I do not recall them. In a talk with Senator Davis during Christmas week last, he recalled the event, as we stood near the spot where the examination was conducted.

After going over the circumstances in connection with his subsequent career, I ventured to remark that General Jackson is reported to have observed with some emphasis when his orthography was once under examination, "I would not give a d—— for a man who can not spell more than one way." But if my observation gave Senator Davis any comfort he did not manifest it.

As we strolled along, finding our way leading along a ledge of rock in the outskirts of the town, indicating his wish to sit, he turned thoughtfully to me and said:

"Judge, what if I had been promoted to West Point?"

Jocularly I rejoined, seeing the reminiscence of his mood, "God always takes care of—"

"A fool," said he.

"Yes," said I, "but you must allow me to remind you that it requires great wisdom to connote the fact." Senator Davis always numbered DeRosey Cabell as among his friends; and during the late campaigns of our army in the Philippines Colonel Cabell expressed to Senator Davis one of their native hats, a picturesque head-piece, with his compliments.

From the period above indicated, Jeff Davis and myself were fast friends.

I do not know the years in which he attended the Arkansas State University, nor the time of his attendance upon the law department of Vanderbilt University at Nashville. He and his friend, Thomas A. Pettigrew, now a prominent law-

yer at Charleston, Ark., went out in company, the former to Vanderbilt and the latter to Cumberland, at Lebanon. Out of Memphis they took a train which carried them some miles in a wrong direction, when a good-natured conductor allowed them to disembark. They walked, counting ties and carrying hand-bags, back to the Memphis depot. I have heard both of the gentlemen laugh and cajole each other about the incident, but they could not definitely locate the blame. Senator Davis viewed the experience as valuable, noting the fact that he had since that time counted ties more than once. Really, he was an expert, as I myself happen to know; for, whenever in his political campaigns it became imperative, he did not hesitate to harness a hand-car, with all hands, to make an appointment, or to walk the track, if that was the only alternative. He did not miss an engagement, political or otherwise.

He was licensed to practice law at the age of nineteen, his "disabilities being removed," as was the practice at that early time. His home town, Russellville, being then in the same circuit, the old Fifth, with Ozark, his father, Judge L. W. Davis, then prominent at the bar, escorted the son to Ozark, where the court was in session. Judge Davis, a big, noble, jolly, gentle, generous man, loved young men; and for some years had paternally hovered the writer, then a young and briefless attorney, as doth a hen her brood; and that love was returned.

Judge Davis and the son did the writer the honor to associate him with Judge William W. Mansfield, to draw the petition and conduct the examination. My recollection is that Jeff Davis passed a creditable examination. He was a good lawyer from the start; not of the purely literary sort, but born such; while he knew the text far better than many who rank as "best at the bar." After the examination, the report made and the order admitting the son, Judge Davis showed his just pride. The boy was a little demure, due somewhat, I think, to mixed excitement and dignity, in his new honors. Judge Davis invited the bar, including the presiding judge, and some lay friends, and we drank lemonade with him.

Judge Davis kept all hands convulsed. Judge Mansfield, though of somewhat serious turn, had a fund of real humor. Both of these distinguished gentlemen had much fun at Jeff's expense; yet he held his own with them fairly well, considering. I remember Judge Mansfield, with mock seriousness, asked Judge Davis what would "now be the style of the firm?" and Judge Davis's reply, *soto voce*, "JEFF DAVIS

& FATHER." While the lemonade was being served, Judge Davis did not seem to know the use of the straw, then coming into use, for sipping the liquid. He asked Jeff to explain it, and, as the latter got near his father, showing the use of the straw, the father innocently blew a lot of the contents into his face and over his only shirt front, and then there was much laughter at Jeff's expense.

The upshot of it was finally, however, Jeff turned the tables. For an hour later he bloomed out with one of his father's shirts, the only one in his hand-bag, and much too large for Jeff; but all hands agreed that the joke was on the kindly judge.

Jeff Davis entered at once upon a lucrative practice at Russellville, in partnership with his father; latterly, with Judge J. G. Wallace, a third member. Elected Prosecuting Attorney, twice in succession, Jeff Davis became a terror to evil-doers. Always full of human sympathy for the erring, still he went with shovel and tongs when duty demanded; particularly was he severe when moral turpitude was flagrant; he was unrelenting in prosecutions for violations of liquor and arms-carrying laws.

I shall not attempt to review his career in detail; it is too well known; besides, the work of the author, Mr. Dunaway, will prove far more accurate and interesting, that being his especial gift; I speak in a general way, from present memory.

His political career, proper, opened with his election to the office of Attorney General. During that period, the writer was in his company much. Part of the time he maintained sleeping apartments in his office, his family being still at Russellville. Jeff Davis gave his best efforts to the duties of that office; and it was in their fearless discharge, indeed, that unwittingly he laid the foundation of his subsequent political promotion. I shall not review these events. His fearless stand in favor of a practical application of the good old Democratic doctrine of "equal rights to all and special privileges to none," aroused the ire of a large section of so-called "business," now familiarly denounced as "predatory interests." Taking just umbrage at the unfriendly attitude of other officers and persons, in apparent sympathy with these interests, Davis launched a gubernatorial campaign which has not been equaled in political annals; unless, indeed, by one of his subsequent campaigns. Things grew rancorous from the start. The air was speedily surcharged with all manner of invective against him. He carried every county of the seventy-five, save one; and in many of the counties his

majority was substantially unanimous. I shall not advert to the several campaigns in detail. They were hot, to the boiling point. Probably no useful purpose would be subserved in reviewing them now. The writer, too, in a small way an integral unit of this great movement for reform, is probably not the proper person to undertake its analysis. That Jeff Davis was so signally victorious, sufficiently vindicates him from the aspersions of those times. No man before him ever ran for two offices, as did he, for Governor and for United States Senator, at the same time, against powerful if not acrimonious opposition, and gain his goal in both.

Contrary to a reputation which his political enemies sought to thrust upon him, Jeff Davis was Jacksonian in rugged patriotism. His political career was largely shaped by a natural passion for equality and exact justice. He stood for right; believed in government by the people, not by a favored class. And when his official duties made him acquainted with the injustice of special privilege which had honeycombed our social fabric, he set about rectification; and it was this which brought on and kept glowing the white heat of his political course. Not that he loved a row for its own sake; but once in the arena, buckling abreast his bull-hide shield, he smote the enemy hip and thigh; nor did he cry at any time "enough!" Upon the contrary, far and wide he strewed the State with political carnage, working night and day, with all the precipitation of a gatling gun. Whoever now would know the rectitude and wisdom of his political propaganda, let him give himself to the study of our political history; there he will find that every measure brought forward by Jeff Davis has been justified by time and verified by current history.

That he was a most tactful man need not be chronicled. True tact, however, implies sincerity of purpose, combined with a just estimate of mankind. His political opponents sought to break the force of this power by metamorphosing it into "demagogery," in its most distasteful sense; and they hurled such poisoned darts at him as from a catapult, but all such fell harmless at his feet.

Whatever he did was misconstrued by his enemies. Once, I remember, we were riding over some mountain country in one of his State campaigns, the last for the gubernatorial office; it was late and the ground, covered with the slush of recent snows, was freezing. Rushing our driver to meet an appointment, suddenly our horses shied; Governor Davis looked and saw on the side of the road two objects; no sooner

did he realize that they were children, than out of the buggy he sprang. The children had become stranded in an effort to reach a settlement over the ridge, some three miles away. Governor Davis huddled them into the buggy, wrapped his lap robe around them, learned their destination and we whipped on; setting them down finally at the gate of the farm house, the destination of the little ones, on we went, his identity being wholly unknown. Yet the facts were obviously gathered up by people thereabouts and the incident enabled him to sweep the county. His enemies characterized it as "demagogy."

I shall not attempt to illustrate his love of children, nor his commiseration of people in distress, as shown by his frequent use of clemency while Governor. Here again was he bitterly assailed. Once, while speaking in a town before thousands of people, his pardon record was a theme. A prominent newspaper editor stood conspicuously, and a little defiantly, near and in front of the speaker. This editor had flayed Governor Davis in that day's issue of his paper for "pardoning whiskey men," referring to a notable case in that county. Quick as a flash, Governor Davis took notice of the paper, singled out the conspicuous editor and accused him of having signed the petition for pardon of the particular man; the editor, forgetting, denied; when Governor Davis unrolled about thirty yards of white paper and threw it into the howling mass of people, saying, "Colonel \_\_\_\_\_'s name will be found first on the list!" There indeed it was. The effect was electrical. Governor Davis swept that county.

Jeff Davis was a true friend. If it was said he was not true in this relation, you have but to bring forward your instance to be convincingly shown that some latent circumstance had convinced Jeff Davis, in some way, that the person was unworthy of his esteem and confidence; a friend for favor, rather than for nobler things. Throughout his career he never for a moment forsook a friend; never. Contrary-wise, nothing in his power was too good for them at whatever sacrifice to himself. Illustrative instances might be accumulated to make a volume, and the writer would wish this were the occasion to refute many sinister stories which had their birth in cesspools of partisanship; not for his defense, for he needs none, but for history's sake. During his life these malign vaporings he regarded as the idle winds; and events have sufficiently refuted them with all candid minds. Upon some future occasion the writer may indulge his own

friendly caprices in this regard to sink these obscure traders still further into the density of well-merited obscurity.

That Jeff Davis was an ideal husband and father was proverbial. Here, again, my knowledge is first hand; for neither he nor any one of the family allowed me to take lodgings, out of their hospitality, when practical. He was the most generous man I ever knew. Without the love of money himself, he used it for the happiness of others. His children and his wife run things; Jeff was one of them; a boy at home; all had what he had, money and all, *when* they wanted it, and *as much as they wished*, if he had it. This does not mean, however, that there was wastefulness or undue extravagance, for he was poor; and they were a sensible family, considerate and prudent, out of love for him and for the common good.

The writer upon a recent occasion remonstrated in a brotherly sort of way with Senator Davis, saying to him, "You are too unsystematic about your household and family expenditures; your generosity not only teaches your children possible indifference to economy, but unabridged freedom in money matters, amongst so many, must ultimately exhaust the supply."

"Yes," he said, "you are doubtless right; I myself have thought of it; in case of death, my family will be poorly equipped to meet the world; I will have some estate, I trust; but this thing of limiting my family, a thing I have never done; how—I do not know how to begin—and so, I guess, it is too late now. I live for them." He did—for them and his friends and for his country.

His aspirations to serve his people in the United States Senate the writer knew to the minutest detail. It was his hope to get back there to join hands with the new Democratic administration. That he would have given great weight to the Democratic side is well understood, nation-wide. I shall not review these matters now. His death is irreparable. The fruits of his labors in Arkansas will flourish here for many years. He fixed definite lines of political conduct for the public good, and none will now dare to traverse them. His public life in this State will prove a lasting blessing to the great mass of people; particularly to the laboring and industrial citizen. I forbear. God, in His tender love, keep our departed companion and devoted friend.

J. V. BOURLAND.

Fort Smith, Ark., April 21, 1913.

# CHAPTER I

## REMINISCENCES OF A NEWSPAPER MAN.

### I.

#### AN ARKANSAS TRAVELER.

If you would have more fun than you ever had at a circus, get into the newspaper game. You will hear political speeches one day, attend a hanging the next, a Methodist Conference, then a Baptist Convention, and the old-fashioned reunions and barbecues.

There is nothing more enjoyable than to attend the old-fashioned reunions and home-comings, hear the farmers discuss politics, talk about the tariff and discuss the political events of the day. Around the country fairs is where you will meet Grandmother with her homespun dress and Grand-father smoking his pipe of clay.

After traveling more than fifteen years, I have been in everything except shooting scrapes. I have taken in everything on subscription to the Daily Gazette from an old quilt to a swarm of bees. If I do not succeed in collecting the money my rule is to take in chitterlings, cheese, wool socks, sawdust or buttermilk.

I have had some very funny experiences in collecting old newspaper accounts. In fact, they are much harder to collect than a board bill, a doctor's bill, or subscriptions to the church.

At one time I took nine steeltraps and three coon hides, and receipted the subscriber in full. This account was so old that it had whiskers on it.

In good old Greene County I relieved an old fellow of a large beef hide, receipting him in full, and my commission was twenty-five cents on the dollar.

At another place I accepted two cords of cook wood three miles from the railroad and an order on one of the home merchants for my pay, less 15 per cent commission.

Over at Clinton, in good old Van Buren County, I accepted \$15 in county scrip on a claim that was out of date, marked the grand juror up for another year, gave him some popcorn, and he is still a reader of the Twice-a-Week Gazette.

On the banks of the Arkansas River, near Morrilton, I took half a dozen large cotton baskets, receipted the delinquent

subscriber in full, left him in a good humor with his six months' paid-up subscription on the Weekly.

It is amusing to be around the Gazette office at times when two factions want to be heard; one fellow will beg that the manuscript and the truth be left out, and the other faction will want to pay for space on the front page. One fellow will brag about the news service and the editorial policy of the paper, and the next fellow you meet will criticise the same articles that suited the other subscriber.

One time while at Dermott waiting for a late train, a small country woman with two children and two or three grips was loaded on the train for Little Rock. One of them was her large "sifter," with a small rope tied in the middle. After the train had left McGehee some drunk fellow got on the train, and as he walked through tore the grip loose with his heavy boot and three or four small puppies come out of the old grip, and began yelping and barking on the train. The conductor and the negro porter and myself gave those pups a merry chase all through the car, and some of the passengers thought that train robbers were aboard. The poor woman, with a long tooth brush in her mouth, said, "There goes them pups. I told John I didn't believe I could ever get to Missouri with them pups and that 'sifter.'" The pups were properly cared for and the woman went rejoicing on to Missouri, and each of the children had one of my cards. As a result of my kindness, this Arkansawyer, who is now in Missouri, is a reader of the Weekly Gazette on account of my catching the pups.

One of the funny incidents I recall took place near Searcy, in White County, a number of years ago. A prominent Methodist book agent spent the night with Neighbor Jones on the outskirts of Searcy, after attending the district conference. The train left at 7 o'clock for DeVall's Bluff, and after a good night's sleep, the preacher relished some fried chicken, and appreciated the hospitality of his good brother. One of the young ladies of the home had an engagement with one of the young men to attend a May-Day fish fry at the old Camp Ground several miles away. While the folks were entertaining the preacher at breakfast, the parson forgot to put his night shirt in his grip, and it was folded up, and with the grip placed on the machine in the hallway. In the meantime a lunch for five, including gherkins, pickles and cake, pies and custards, was rolled up in about the same size bundle, and placed near the grip. At this juncture the buggy

was ready and "All aboard!" was the alarm which attracted the young lady, who, through mistake, took the night shirt instead of the fried chicken. The preacher soon followed with his grip, not knowing but that he had his night shirt. He went on the same train, and watched the fish-fry party get off on the bank of the river. At the noon hour, when the young ladies were preparing their dinner, and while their beaux were frying fish, they began to bet who had the finest lunch. And, to the surprise of all, the night shirt was soon reached, which caused a great deal of laughter. It was after 9 o'clock before the preacher began to retire for the night at Gleason's Hotel in Little Rock, and discovered that he had chicken for five.

Several years ago a traveling man from Little Rock was called over to Dallas, Texas, and on his return he had prepared a fine lunch, and also two bottles of cold Budweiser, which he placed in the tray over the seat. After a two-hours' run over the Texas & Pacific railroad, it was time for supper. The sack of grub was placed in the seat and the Budweiser unwrapped, and, to the traveling man's surprise, the stopper flew out of the bottle and hit and aged lady on the cheek, this caused an alarm which attracted the attention of the negro porter and the conductor and all the passengers. The old lady yelled at the top of her voice, "I am shot!"

After traveling for more than sixteen years, it is natural that I can relate a number of funny incidents that took place. One time I went to the hotel at Warren, in Bradley County, and the negro porter gave me a room upstairs, which was very cold. There were only two thin quilts on the bed, besides a thin sheet, and after the negro porter went downstairs I proceeded to an adjacent room and stole all the cover sheets, blankets and all and placed them on my bed. I was warm and snug, and as I was taking a snooze I was awakened by a drummer in the adjoining room cursing the negro porter for putting him in a room where there was no "kiver." He told the porter that it was a wonder some one hadn't stolen the bedstead and carried it off. I enjoyed a good laugh while the drummer and porter were rummaging around for cover.

I had some really funny experiences one time near Woodson on the Saline and Pulaski County line. After two or three attempts to collect an account from a negro named Scipio, I decided to engage in the apiary business, and, purchasing two bee-gums from him, marked the account paid. It was one fine April morning when I took the bee-gums with

a quilt and hauled them to a neighbor's house and turned them over to an old negro, who became my partner in the bee business. The bees swarmed two or three times and they were also robbed during May and July, after one year. I swapped my part of the bees for a good shotgun and two turkeys. I later on swapped the shotgun for two yearlings, which brought me in ready cash, and I have never been in the bee business since.

My first experience in the newspaper business was collecting old accounts on subscriptions for O. C. Ludwig, who was at that time running the Log Cabin, at Conway, and I was also collecting for the Arkansas Democrat, George C. Naylor and W. S. Mitchell being my bosses at the time. Many a pleasant and sad reminiscence has been recalled by me since those happy days have passed away. Thousands upon thousands of my personal friends have gone beyond since then. Well do I remember my first trip to Newport, when the Jackson County Fair was on. Well do I remember my first trip to Monticello, when the Drew County Fair was being held. Last, but not least, the Johnson County Fair was one of the oldest and the best in the State, presided over by R. D. Dunlap, who was a fancier in the live stock show and also in race horses.

## II.

### JEFF DAVIS'S OPENING SPEECH AT OZARK.

On February 18, 1908, Senator Davis opened his campaign at Ozark, in Franklin County, in the interest of Attorney General W. F. Kirby for Governor. In that race George W. Donaghey, a well-known contractor of Conway, and Prof. John H. Hinemon, of Arkadelphia, were the other aspirants for the office. One of the largest crowds that ever assembled in Franklin County met Governor Davis upon this occasion, and among them were Governor Donaghey and a number of his friends from Conway and other parts of the State.

Governor Davis in his opening speech upon this occasion recalled many politically historical events, reviewing the boodle cases, the indictment of Tom Cox, Caldwell & Drake and the predictions he had made in former speeches as to Lewis Rhoton having a backbone of steel as big as his old grip. In this speech Governor Davis referred to the fact that he had made promises in former campaigns that M. D. L. Cook, Tom Cox and George W. Caldwell should wear felon's stripes.

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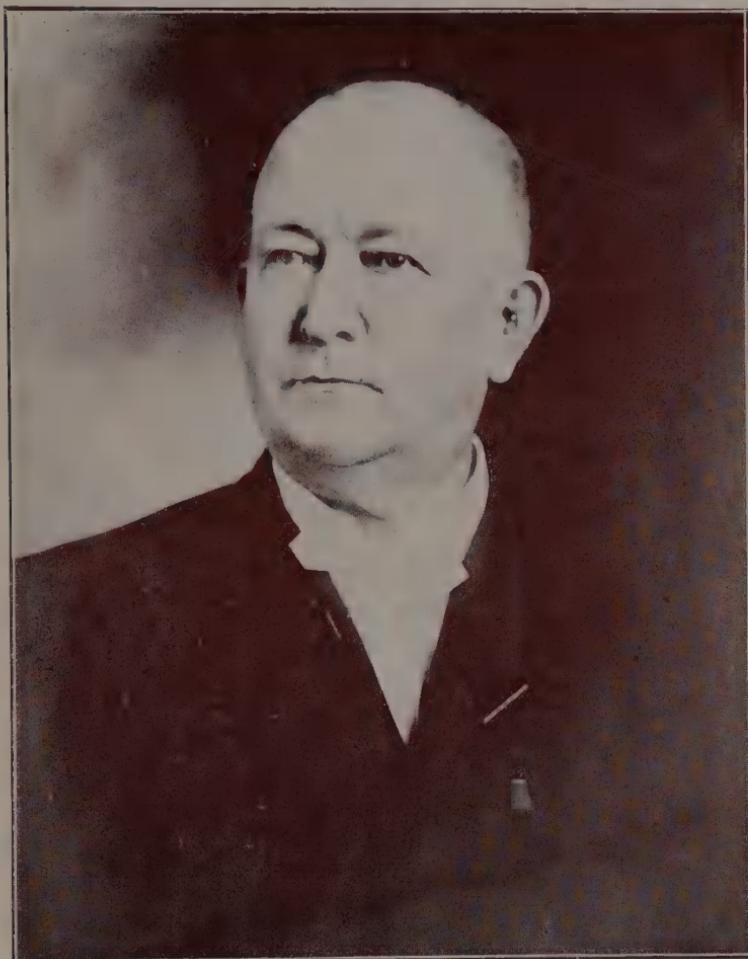
"I told you the Prosecuting Attorney of our district, the Hon. Lewis Rhoton," said he, "had a backbone made of steel and that he would do his duty. Gentlemen, I thought I spoke to you truthfully, I thought that this officer was sincere and earnest in the faithful discharge of his duties. But candor and truthfulness compel me to confess to you today that in that statement I was mistaken, and, seeing the loose and lax efforts to prosecute these red-handed criminals, I tendered to the Prosecuting Attorney, through the Attorney General, my services to the end that justice might be dealt out to these malefactors speedily. My offer was scornfully refused, and for what reason God Almighty and Lewis Rhoton only knows, and I defy the Prosecuting Attorney now to allow me free and untrammelled the privilege of prosecuting these cases without fee or reward; and if he does I'll promise you that at the next term of the Pulaski Circuit Court these men will be wearing a pair of striped breeches. Cook was indicted many times, yet no effort was ever made at his prosecution. Caldwell was indicted many times, yet he is today strutting the streets of our Capital City with no sleuth hound of the law at his heels, and Tom Cox, the old he-malefactor of them all, has never so much as had an indictment returned against him, and I come to you today to retract all that I said commanding Lewis Rhoton and his efforts as Prosecuting Attorney. Lewis Rhoton is again a candidate for Prosecuting Attorney in our district, and I trust that the good people of that judicial circuit will bury him so deep under a load of ballots that it will take the sound of Gabriel's resurrection horn to bring him forth from the political death which he so richly deserves.

"These men have gone scot free, while other men who dared stand by the feeble, helpless and defenseless people in the little city of Argenta just across the river from Little Rock, when their rights, their homes and their privileges as American citizens were sought to be taken from them, could not be driven or bulldozed by the official lash of this unnatural prosecutor, and have felt the keen sting of the law. He has in possession today a statement from T. L. Cox that he (Cox) spent \$70,000 of the Iron Mountain Railroad Company's money corrupting railroad legislation in 1905, yet, my friends, not one single indictment has ever been returned against any man for corrupt misconduct favoring the Iron Mountain railroad."

At various times during the campaign Governor Davis declared that robbery and murder itself committed in the shadow of the Statehouse had gone unwhipped of justice. The most noted case is that of Hartley, a nonresident, who was robbed in open daylight at the Choctaw station by four thugs and tramps. Three of these men escaped temporarily, but Hartley captured one and turned him over to the police of the city. Hartley had been robbed of \$6,000, the hard earnings of a lifetime. This man whom Hartley captured was carried before Meisner, a justice of the peace in that city, positively identified, his bond was placed by Meisner at \$500 and by Rhoton it was reduced to \$300, and the thief drew from his pocket the money he had stolen from Hartley, deposited it as a bail and the defendant fled the country. "Now, isn't that a nice skillet of fish?" asked Governor Davis.

One time, while the campaign was at fever heat, and, as Governor Davis said, "as hot as an oven," the candidates addressed about four thousand people at Magazine, in Logan County. I got to work early and secured about fifteen subscribers for the Weekly Gazette, telling them that they would get all the campaign news in the paper. After hearing Governor Davis jump on the papers at Little Rock, and telling the audience how they were fighting him, I had a number of callers on the picnic grounds soon after he ceased speaking. At least eight or ten came to me with their receipts and said, "Say, Cap, I have changed my mind. I want my dollar back; here is your receipt. I wouldn't let a copy of that paper come in my house; Jeff said he had rather be caught with a dead pole-cat in his pocket." I didn't feel like arguing the question any further, and the dollar was replaced in the farmer's hands. I could walk all around the place on newspapers that had been thrown down after Governor Davis had finished his speech. He knew how to hold the audience spell-bound and knew what would take among the natives. This was one of the greatest features of his success—knowing human nature—and various times during the campaign he would have a good laugh at my expense.

One time, while Senator Davis was making a speech in the northern part of the State, he was sent a telegram by the people of Womble, inviting him to address them the next day. He passed through Little Rock on the fast train *en route* to Gurdon, where he spent the night. Prof. George B. Cook was also on the program and joined Senator Davis at the Union Depot. Before the train arrived, one, of Senator



**JUDGE J. VIRGIL BOURLAND.**  
Lifetime Personal Friend of Jeff Davis.



Davis's friends had wrapped up several bottles of soda pop for the Senator and himself and gave them to Professor Cook to hold while he used the telephone. It was represented to Professor Cook as being a bundle of books. But it began leaking, and in a few minutes Professor Cook noticed what the package contained, and seeing the water drip from the package, said, "Here, Mr. ——, here is your library; it is leaking." The next day Governor Davis referred to the occasion in his speech and said that was the first library he ever saw leak.

One time, while Governor Little and Attorney General Rogers were making the race for Governor, Senator Davis and I engaged in a small bet. Governor Davis bet me a country ham that I couldn't name five counties that Rogers would carry. I proceeded to name Scott, Sebastian, Logan, Franklin and Crawford. A few weeks after the election, Governor Davis said to me: "Say, my folks are out of meat; what about that country ham? I have the results on those counties."

I had to carry Senator Davis a large country ham and W. B. Payne, the postmaster at Bee Branch, went out to the Governor's house with me. The train was an hour late, and the Governor was preparing to retire when I arrived at his mansion on Broadway. The ham was accepted and the Governor was laughing in his sleeve about how he had won it.

The next political tornado occurred when Governor Donaghey defeated Judge Kirby and "Sister" Hinemon, as Governor Davis styled him. Another bet followed. I bet Governor Davis a whole hog that Donaghey would defeat Kirby. He accepted the bet, and we made a tour of the State. I made the fight for Donaghey and he made the fight for Mr. Kirby. The result was that I became the proprietor of a 200-pound hog shipped to Conway from a butcher shop in Little Rock. While Governor Davis was making the campaign he frequently referred to the bet, saying: "Mr. Kirby has got to win this race, as my folks are out of meat, and I want to win a hog off Dunaway, this Gazette man. I won a country ham off of him and my neighbors could smell fried meat for over three blocks."

One time, in company with Doctor Abington, of Beebe, who was styled one of the Old Guard, Governor Davis and Mr. Kirby drove from Beebe over to Rosebud, in White County, to attend an old-fashioned picnic and political gathering. Governor Davis and I spent the night with a farmer by the

name of Harrell, who lived between the two points. The next day in his speech at Rosebud Governor Davis referred to the good supper, consisting of turnip greens, hog jowls, cornbread and buttermilk. He said to the audience, "This Gazette Yankee ate eggs until he had every hen on the place cackling." The farmers and hay-binders came in with their families from three or four counties and at least ten thousand people were on the grounds. Every farmer invited Governor Davis to go and eat dinner with him. He would walk around under the large, stately oaks and eat pie at one place, custard at another, then a slice of country ham, and then a slice of chicken, until he got around to more than a dozen places, and said he had a good notion to telephone his wife to send his trunk out to Rosebud.

One of the most peculiar features of Governor Davis's campaign was his mixing with the people after his arrival at a public gathering. He would go all through the audience, shake hands with the farmers and their wives and children and discuss matters pertaining to the welfare of the farmer. If the cotton season was on he would readily say that they should have twelve or fifteen cents a pound for their cotton. He knew how to meet the "hay-binders" from up at the forks of the creek and talk to them regarding matters pertaining to their welfare. He was always one of the boys. He would always ask the farmer how his crop was, how many watermelons he had, and if he raised any "hill-side navy." He usually had the audience in sympathy with him before he began speaking. It was very seldom that Governor Davis made a speech without referring to his family in some way, his father and mother, or his nine pointer dogs, bringing out some little personal event that always caught the crowd.

One time at Corwin, in Saline County, Governor Davis, Judge Wood and A. F. Vandeenter met in joint debate. Governor Davis was the first on the program, and spoke for an hour and a half, referring to Judge Wood as being the candidate of the silk-stocking crowd in Little Rock. Among other things he said: "Judge Wood, I am glad that gang in Little Rock got you to run. I was afraid they were going to get a strong man to run against me." When Judge Wood began speaking he discussed the issues of the day for some time, reviewing Governor Davis's official record, and among other things said: "Judge Fulk and the whiskey crowd in Little Rock are supporting Davis." At this juncture Governor Davis yelled out, "I had rather be run by the whiskey

crowd in Little Rock than by the penitentiary crowd and the Dickinson Manufacturing Company."

One time Governor Davis met Vandeventer, of Morrilton, in joint debate at Heber Springs. Governor Davis came first on the program, and spoke for an hour and a half. He referred to the famous sulphur springs of that place and said it would be one of the leading health resorts in the Southwest if they could only get a railroad. The next day Governor Davis spoke at Quitman, and after the speaking he went into a store and bought two or three pairs of home-made socks, saying these were the kind he wore when he was a boy. This was norated all over the county and was the cause of Governor Davis lining up what he termed a large per cent of the "hill-billy" vote. At different times in his speeches he would say, "My opponents wear silk socks but I wear the same kind you farmers wear, and if you farmers will stay with me we will whip this silk-stockings crowd one more time."

Once while Governor Davis was addressing a large crowd at Spring Hill Church, near Otto, he remarked in the course of his speech that he was getting as hot as a cooking stove. An old farmer who was sitting near by yelled out, "Jeff, pull off your coat," and another farmer yelled out, "Jeff, take off your collar; we are for you, any way." To this Governor Davis replied that he was getting as hot as goat's wool, and, thanking him, divested himself of his coat and collar.

### III.

#### SENATOR DAVIS'S STYLE AND METHODS.

Senator Davis flashed like a meteor across the political horizon of Arkansas. Never before in the history of any State has his equal appeared. He worked by no set rules. He could not be gauged by ordinary standards. If ordinary men had done as the Senator did, it would have ruined them.

He was always lucky in the opposition that he had, and he made the most of that opposition. He rallied the support of the masses to his standard by showing the weaknesses of the opposition and attacking its vulnerable points.

He was essentially a man of the people. He understood human nature as few men have ever understood it. He could feel the public pulse and could scent danger from afar. He had as much political foresight as any man I ever knew. He always advocated measures that could be understood by the

people and measures that would benefit them, especially with which they would be in sympathy.

It has been said that Senator Davis tried to array class against class. I do not think this is true. I do know that his heart was always beating in tune with the great throbbing heart of the people, and his sympathies were with those who toil in the various walks of life. It has also been said that the country vote always elected him and that the towns and cities were against him. This is not true, as will be shown by an analysis of the vote in his three campaigns for Governor. He carried an average of 61 per cent of the county seats in the seventy-five counties in the State. In 185 of the principal incorporated towns in the State, Senator Davis carried an average of 71½ per cent of the total vote during his three campaigns. While it is true that the so-called "red-necks" and "hill-billies" (terms coined by him) were lined up with Senator Davis, it is also true that the leading business and professional men in the largest towns and cities of the State were often his staunchest supporters. He classed among his closest friends some of the leading citizens and wealthiest men of the State; men who stood high in social, business and intellectual circles.

Senator Davis's strongest weapon was his characteristic method of making a speech. He had a power of invective and ridicule that was invincible. It was this method that first brought him into prominence as a political spell-binder. By means of it he made his adversary look ridiculous. As soon as he got started in a speech he began to pour hot-shot into the camp of the enemy. He always had the crowd laughing and sometimes jeering at his opponent. He had a wonderful power of spontaneously coining new and unusual phrases that would catch the audience. If a new adversary appeared on the scene he would immediately, as if by intuition, think of some nick-name that would fit him and cause the crowd to laugh. I recall a number of these names that he applied to his opponent at various times—"Shug," "Aunt Puss," "Horace Greely," "Aunt Julie," "Aunt Jennie" and "Jubert." By his wonderful power of invective and ridicule he often succeeded in devastating the opposition. This is noticeably true in his first sensational race for Governor when he ran several good men out of the contest—Col. John G. Fletcher, Judge Edgar E. Bryant and A. F. Vandeenter.

His language was always direct and simple and he used illustrations that appealed to the masses of the people and

were easily understood by them. Hence, the people always "heard him gladly" and rallied to his support.

One of Senator Davis's strongest points was his artful method of mingling with the crowd before and after speaking and shaking hands with them. Oftentimes after a speech before a large audience he would shake hands with every man, woman and child in the vast throng. He had a peculiar method of drawing people to him and making them feel, by this personal touch, that he was one of them—that he was struggling to serve them and their best interests.

At various times while delivering a speech, and when reaching a climax, he would stamp his feet and clap his hands together in a remarkably quick and fascinating manner that would seem to inspire enthusiasm in the crowd, and they would most invariably follow suit by making a demonstration. In this way he always kept a crowd entertained. No one has ever been found who went to sleep while Jeff Davis was speaking; whether or not the hearers agreed with his views, they were at least well entertained.

The Senator was resourceful when it came to playing pranks on his opponents. Once at Lonoke while Col. E. W. Rector, of Hot Springs, was opposing him for the Governorship, Senator Davis had some of his friends to get Colonel Rector to put in his pocket an old pistol which he had in his grip. They explained to the Colonel that a "rough-house" would probably follow the debate. The Colonel sat in front of Senator Davis, and after the latter had been speaking for half an hour he turned to Colonel Rector and said: "Colonel, what have you got that old pistol in your pocket for? It is in your hip pocket and not in your grip. You want to murder me, don't you? You whipped George B. Cook, an unarmed school teacher, with that same old pistol. Will you let the sheriff of Lonoke County search you and show these ladies that gun and then get up here and tell these people that you are a law-abiding citizen who wants to be their Governor? Nay, nay, Pauline," said the Senator.

On another occasion when the Senator met a prohibition candidate for Governor by the name of Adams, who lived in Mena, in a joint debate at Danville, the Senator was told by a friend that he had put a bottle of whiskey in Adams's grip and that Adams had the grip on the platform. The Senator turned to Adams and said: "Old Sodapop, when did you come to town? You say you are a Prohi. I can take two

green persimmons and squeeze on you and make you so drunk you wouldn't know your heels from a shotgun. Open up your old grip and let the crowd see that whiskey."

"I haven't got whiskey in my grip," said Brother Adams. "Yes, you have; let's examine, and if you haven't I will donate \$100 to the churches in Danville."

The bottle of whiskey was produced and the crowd yelled for Jeff.

A number of times the Senator would amuse his audience when he had a large crowd, by saying: "Will some of you men get up and give Grandma a seat? Come in, Grandma; I am glad you are here; it makes me think of my mother to see your sweet, wrinkled face."

## CHAPTER II

### SENATOR DAVIS'S DEATH AND FUNERAL.

#### I.

##### HIS DEATH.

Jeff Davis was born in Little River County, May 6, 1862. He was admitted to the bar in Pope County at the age of nineteen years. He was elected prosecuting attorney of the Fifth Judicial District in 1892, and re-elected in 1894. He was elected Attorney General of the State in 1898. In 1901 he was elected Governor and re-elected in 1903 and 1905, being the only Governor of the State to serve three terms. February 29, 1907, he was elected to the United States Senate for the term beginning March 4, 1907. His term would have expired on March 4, 1913.

Senator Davis's death January 2, 1913, came as a shock to every one, many persons not realizing that he was even under the care of physicians.

When the news of his death reached Washington great regret was expressed at the loss of the popular statesman. Congress convened for only a few minutes Friday morning out of respect for the deceased.

The following Senators were appointed to attend the funeral and represent Congress: Clarke of Arkansas, Bryan of Florida, Ashurst of Arizona, Martine of New Jersey, Curtis of Kansas, Clapp of Minnesota, O'Gorman of New York and Pomerene of Ohio.

Speaker Clark named the following committee to attend the funeral: Representatives Robinson, Goodwin, Macon, Cravens, Floyd, Oldfield and Jacoway of Arkansas, Cullop of Indiana, Davenport of Oklahoma, Nelson of Wisconsin, Miller of Minnesota, Greene of Vermont, Reese of Kansas and Kinkaid of Nebraska.

When Governor Donaghey learned of the death of Senator Davis he immediately issued the following proclamation, which caused all State business to be suspended for the day:

“Whereas, It has pleased Almighty God in His wisdom to remove from our midst Hon. Jeff Davis, formerly Governor and now United States Senator from this State; and,

“Whereas, It is meet and proper that we pay due respect to his memory; now,

"Therefore, I, George W. Donaghey, Governor of Arkansas, do hereby direct that all State departments be closed for this day and that all business in same be suspended as an evidence of respect for the memory of so prominent a citizen and statesman, one who has served the people of this State so long."

State officials without exception expressed themselves as shocked and grieved at the untimely ending of the Senator. All sent their condolences to the bereaved family.

Governor Donaghey made the following statement:

"I am greatly grieved to learn of the death of our distinguished Senator, and his family and friends have my sincere sympathy. Although his enemies charged Senator Davis with many faults, yet no one can deny that he has done a great deal of good for Arkansas."

As a result of the death of Senator Davis a political condition arose with many complex sides. Who will be the next Senator? This was the question being asked everywhere. Many possibilities were suggested, among them being Gov. George W. Donaghey, Governor-elect Joe T. Robinson, Attorney General Hal L. Norwood, Stephen Brundidge, and others. Governor Robinson, Attorney General Norwood, Colonel Brundidge and Judge W. F. Kirby were candidates before the Legislature and Governor Robinson was elected.

Governor Donaghey appointed J. N. Heiskell, editor of the Arkansas Gazette, successor to Senator Davis, but the appointee served only a short time, as the Constitution of the United States provides that the appointment is good only until the Legislature of a State meets and elects a man or confirms the Governor's appointment.

Mr. Davis's term would have expired in March. He was selected for another term at the preceding primary, however, and his election was to have been confirmed at the 1913 session of the Legislature.

Soon after the inauguration of Joe T. Robinson as Governor the Legislature elected Judge W. M. Kavanaugh of Little Rock as United States Senator to succeed Senator J. N. Heiskell, and he served in the Senate until Senator Robinson qualified in March, a few days before the adjournment of the Legislature.

The resignation of Governor Robinson brought about a fight for the governorship, which was not finally settled until Judge George W. Hays, of Camden, was elected Governor at the special election in July, defeating Colonel Brundidge in a

special primary and Harry H. Myers, Republican, and George W. Murphy, Progressive, in the special election. So it came about that through the death of Senator Davis, Arkansas had in three months five United States Senators—Clarke, Davis, Heiskell, Kavanaugh and Robinson—and in six months, through a combination of circumstances, six Governors and Acting Governors—Donaghey, Robinson, Oldham, Rogers, Futrell and Hays.

At the time of his death the Arkansas Gazette said of Senator Davis:

“Mr. Davis was a unique figure in the politics of Arkansas. His principal support came from the country people of the State, of whom his constant expression was that he was one.

“While the departed Senator had been subjected to a great deal of criticism by the press of the country, he was not the man pictured by them. He was straightforward in his manner and stuck to his friends and made a practice of working for the class he claimed to represent—the farmers and poor men of the State.

“When Mr. Davis first took his seat in Congress he created a sensation throughout the country by making a speech during the first term of his senatorship. This was breaking all previous precedents for the Senate. At another time he was called to account for an alleged expression said to have been made in regard to an Arkansas land case which was before the United States Senate.”

## II.

### THE FUNERAL.

The Arkansas Gazette published the following account of the funeral:

Senator Davis was buried here Sunday afternoon with all honors that could be accorded any man.

The funeral was one of the largest and most impressive ever seen in this section of the United States.

Many men of note were present to pay their last respects to the dead. Senators, Congressmen, State officials, legislators, city and county officials and many others gathered at the graveside.

Thousands of people who could not gain admittance to the church where the funeral was held stood on the outside with heads bared until the service was over.

Promptly at 3 o'clock as appointed the funeral procession left the home of the Davis family, where the dead Senator had been lying in state since his death, and moved toward the church where the public services were to be held.

The procession was headed by the First Regiment Band of the Arkansas State Militia; following the band was a battalion of soldiers from the military post located in the city, these were followed by two companies of Arkansas State Militia.

After the military sections followed the congressional committee in carriages, and these by State officials and honorary pallbearers who were on foot. Then followed the hearse with the active pall bearers walking beside it. The immediate family and friends were behind the hearse in carriages.

It was an impressive sight to look down the line of march and see the long procession coming up the street with the soldiers keeping perfect time and moving at a slow walk. The procession was many blocks long, and the first part had reached the church before the last part has leaving the Davis home.

When the church was reached the soldiers were lined up in ranks and stood at attention as the body of the late Senator was carried into the church.

At the entrance of the church, extending from the sidewalk into the church, were many members of the Robert C. Newton bugle and drum corps, who stood at attention as the people filed into the church.

As the body was borne into the church it was preceded by Rev. Ben Cox, pastor of the First Baptist Church, and by Dr. R. G. Bowers, president of Ouachita College, a life-long friend of the dead statesman.

Behind the casket came the active pall bearers, the committee from Congress, the honorary pall bearers, State officials and members of the family of the late Senator. On the arm of her grandson and leaning on her cane for further support, the bent form of the Senator's aged mother tottered down the aisle and sank into a pew, crushed with grief. The pipe organ played softly as the funeral party entered.

After the choir had sung "My Faith Looks Up to Thee," Doctor Bowers read from the Scriptures and offered prayer. He prayed that the grief of the family be mitigated by the assurance of a meeting after death, asked a blessing upon the National Congress and upon the people of Arkansas

who were gathered to pay a last tribute to the memory of the man they admired so greatly.

"No Arkansas man who ever has died has been so sincerely mourned as our departed brother, Senator Jeff Davis," said the Rev. Ben Cox. He referred to the admirable qualities of the dead Senator, of his loyalty to his friends and devotion to his aged mother and members of his family, as well as his liberality to the church. Then he gave a short sketch of the life of Senator Davis and deplored the untimeliness of his death.

"It was with joyous anticipation," said the speaker, "that he was looking forward to the next meeting of the Senate, with a Democratic majority and a Democratic President." Then he told of the Senator's interest in the church of which he was a member. The Senator, he said, was not able to attend services with regularity, because of his political duties, but never failed in his financial support. Some of the pastor's most cherished possessions were letters, he said, from Senator Davis concerning the church's finances.

"Senator Davis was intense in his likes and intense in his dislikes," said the pastor, "but always he was a friend of those who were his friends. He was much criticised, but never was he accused of crookedness in politics. He was a man who heartily despised shams and had little use for frills. By his death we are impressed that the most certain thing about life is its uncertainty." The remainder of his sermon he devoted to extending words of consolation to members of the family. "While there is grief here today there is a jubilee across the river."

The services at the church lasted over an hour on account of the immense crowd who desired to see the remains. The First Baptist Church, where the services were held, has a seating capacity of over 2,000 people, but the church would not near hold all that desired to attend.

After the funeral services the cortege moved to the cemetery where the burial services were held.

At Mount Holly Cemetery where Senator Davis was buried was the largest crowd ever assembled for any like occasion. It was estimated that between five and ten thousand people were at the graveside to do honor to the departed.

Amid tall and aged oaks the last rites were said as the immense crowd stood with bared heads and listened.

The space about the burial place had been kept cleared. To the east of the grave were seated the members of Con-

gress, while directly behind them had been placed chairs for the State officials. Within to the lot and to the north of the grave the members of the family and relatives were seated. The regular soldiers and militiamen formed lines south and west of the grave and along the roadway, standing at present arms as the casket was lowered to its last resting place. The burial ritual and prayer were said at the grave by the Rev. Ben Cox.

A choir sang as the casket was lowered into the grave and the grave filled.

### III.

#### EULOGY BY JUDGE JEPHTA H. EVANS.

Judge Jeptha H. Evans, of Booneville, a life-long friend of the late Senator Davis, spoke at the grave as it was being filled.

He eulogized and praised the departed, and in glowing terms gave a brief sketch of the Senator's life as it was known to him.

"When a giant carrying easily the loads of life in the fullness of his power falls dumb and prostrate in the earth, heart-stricken, by the darts of death," said Judge Evans, "we, his surviving friends, gather in confused agony around his unbreathing form, and unavailing tears spring unbidden to the surface and baptize with sorrow's sacred streams the pale countenance of those who loved him while he lived. How utterly worthless do we feel in death's mysterious presence.

"I knew this tower of strength that lies in human ruin before me for a long term of years. Senator Davis was reared in the same section of the State where I have lived since boyhood. We lived about fifty or sixty miles apart, and I am his senior by a year or two. I was born at the beginning of the fratricidal struggles between the States and he just as the conflict became flagrant. His father was a minister of the Baptist Church and mine a minister in the Methodist Church, and both bore arms as members of the Arkansas troops in the Confederate Army. On reaching manhood Senator Davis went to the law, and I have made some struggling efforts in the same direction.

"I knew Senator Davis first as a young lawyer at the bar. He was from the beginning a man of marked ability and adaption to the law. I was frequently in his judicial circuit and often witnessed his forensic strength. He was

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possessed of a legal mind of the intuitive kind. Where other men painfully sought out precedents and tried to follow legal principles along centuries of deviating counsel in order to ascertain the law, young Davis, with the precision of first-hand knowledge—of intuition—announced the right result.

“Senator Davis was one of the finest trial lawyers I have ever known. He forgot nothing, overlooked nothing, neglected nothing and saw through everything. The principles of the law favorable to his client’s cause he stated clearly and handled with consummate skill. The evidence entitling his client to win he presented to courts and juries with such force that avoidance of the result he sought was all but impossible. He could come nearer than any lawyer I have ever known ignoring out of the judicial equation the principles of law and the testimony of witnesses unfavorable to his client’s side.

“He was not very well suited to try a cause for a rich citizen against a common citizen. Indeed, I do not think he ever engaged in such a service. His great delight was to champion in court and vindicate the rights of the poor and weak against the rich and strong. His feelings and sympathies were always intensely human. While he was one of the ablest and most successful prosecuting attorneys the State of Arkansas ever had in its commission, I have frequently heard him thank God that no man was ever executed as result of his four-years’ service as prosecuting attorney of the Fifth Judicial District.

His legal successes were always phenomenal, and at the time of his death his law firm from every quarter of the State was looked to as the champion of the weak against the strong, as capable of securing in the courts of justice the legal right of the poor against the illegal right of the rich. The Lord Erskine, lord by divine right of poverty, ability, sympathy and eloquence, of the Arkansas bar, lies voiceless before me. He has gone to a higher court, a court where justice never miscarries, where the juries are never bribed and where the judge never nods.

“Can we believe that before such a tribunal the man who lived and died in the service of his fellow-men can ever be condemned? Can he who always loved justice and mercy, and devoted all the powers of a great personality to securing these for others ever find himself stripped and naked in the hour of his greatest need? The man who can answer this

question in the affirmative can find consolation in blackening the name of God.

“Senator Davis really entered into deepest sympathy with the common men and no greater tribune of the people has lived and died on the banks of the great Mississippi. Their sorrows were his sorrows and their triumphs were his triumphs. With him his friends were always uppermost and their welfare his constant solicitude. No man was ever more devoted and considerate of mother, wife or children. His unfaltering loyalty to these was a proverb everywhere. Love, loyalty and devotion were his in full perfection.

“Back to the Infinite Presence out of which he came as a half century of benedictions to his fellow-men, we reverently commit our friend, thankful for his coming, and grieved, inexpressibly grieved, at his going away. Living he was in all things great and he is greater in his death.”

Girl friends of the Davis family, after the grave had been filled, placed the floral tributes about the grave, and for many feet around the ground was literally covered with flowers.

As the mourners filed away from the grave it was growing dark and threatening rain every moment. Many people remained after the street lights had been lighted to see the beautiful floral tributes that had been placed about the grave.

The honorary pall-bearers were Judge T. H. Humphreys, Fayetteville; Judge J. V. Bourland, Fort Smith; Judge Jacob Trieber, Little Rock; Henry Stroup, Paris; T. M. Mehaffy, Little Rock; Judge W. M. Kavanaugh, Little Rock; J. C. Marshall, Little Rock; T. A. Pettigrew, Charleston; Dan Quinn, Little Rock; J. S. Maloney, Little Rock; G. G. Dandridge, Paris; Dr. H. C. Stinson, Little Rock; H. S. Powell, Camden; Judge R. E. Jeffrey, Newport; Judge J. G. Wallace, Russellville; Thad Bradsher, Harrisburg; O. B. Gordon, Prescott; C. D. James, Eureka Springs; Troy Pace, Harrison; R. A. Young, Greenwood; West Humphrey, Russellville.

The active pall-bearers were Judge W. F. Kirby, Little Rock; former Congressman C. C. Reid, Little Rock; Judge E. A. Mahoney, El Dorado; Judge Jeptha H. Evans, Booneville; James Surridge, Walnut Ridge; George R. Belding, Hot Springs; Judge George W. Hays, Camden.

## CHAPTER III

### SAYINGS OF SENATOR JEFF DAVIS.

“If any of you farmers want to buy a little squirrel-headed editor, and haven’t got change for a nickel just rub up against a slot machine—take one on and act like you had good sense.”

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“I do not know that I will ever marry again, but if I do I am coming out here in the country and marry one of these big, fat country girls, that can cook an oven of hot biscuit, throw them up the chimney, and run around and catch them in her apron before I can get my boots on.”

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“Some men want a woman to sing ‘Amazing Grace How Sweet the Sound,’ and know how to tune a piano, but I want one that knows how to tune a hot stove and bake big, hot biscuit with pimples on them.”

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“The campaign is getting as hot as a cooking stove, but if the Old Guard will stand with me we will whip the gang one more time.”

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“Some of the gang in Little Rock wanted that one-armed Frank Vaughan to run against me for Governor, and he would if it had not been for breaking up a poker game. They broke up the choir in the Second Baptist Church getting Judge Wood to run, but they didn’t want to break up a poker game and the choir, too.”

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After spending the night at a farm house near Drake’s Creek, in Washington County, a twenty-five-mile drive was completed to an old-fashioned barbecue in Madison County. The hay-binders were there from all parts of the county. Farm wagons and teams were scattered for over a mile. Two bands played while a number of youngsters were seated on the platform singing until the arrival of Governor Davis, who was the center of attraction for the immense crowd. Among other things Governor Davis said:

“Myself and this Gazette Yankee spent the night with Mat Grubbs. We were royally entertained and I spent a very pleasant night at one of the most beautiful farm homes I

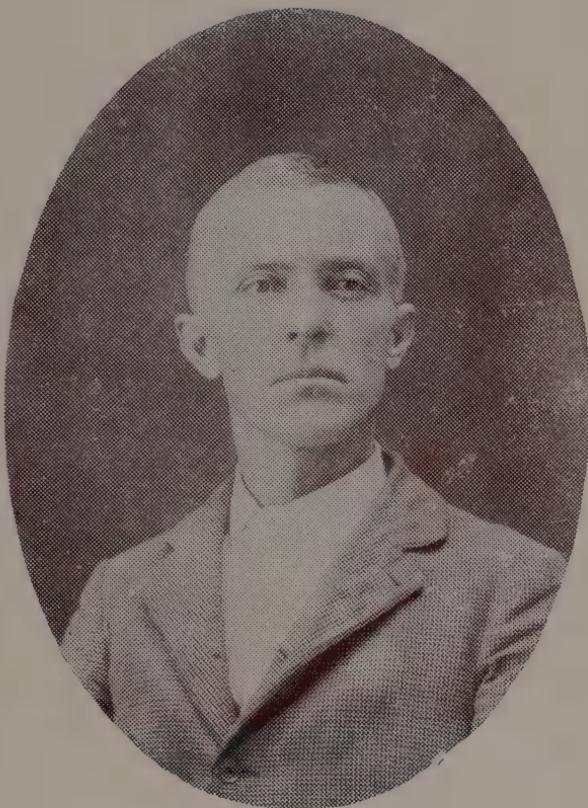
ever had the pleasure of visiting. We had hot biscuits for supper, big slices of country ham, with hot gravy, onions, turnip greens, hog jowls and buttermilk. This Gazette Yankee ate eggs until he had every hen in the valley cackling. If there is anything in the world that I do love it is cornbread hog jowls, turnip greens and buttermilk. Mr. Chairman, don't that make your mouth water? I went to Napper's house after supper. I enjoyed a good night's sleep and was awakened by the smell of fried country ham, and the bark of the friendly watch dog. I dressed and went on the front porch, looking down the hillside and valleys; there I saw Nature robed with all its beauty. I looked to the right and saw the cattle on the hillside; I looked to the left and saw more than a dozen bee-gums. I looked into the cow lot, and there I saw more than a half dozen loads of manure piled up, and on the right was more than three cords of stove wood placed in proper order. The house was beautifully painted, 'the old oaken bucket, the iron-bound bucket, the moss-covered bucket which hangs in the well' was in the proper place. The chickens were flying down from the hen roosts; the sun was rising in the eastern horizon and kissing the morning dew drops. Ah, ladies and gentlemen, there was a beautiful picture of Nature in all of its glory. Last, but not least, I looked down upon the hillside and there I saw more than a hundred goats, enjoying the morning dew drops from General Green's pasture. Did you farmers know that goats were one of the finest things a farmer ever raised? The sheriff don't get after them, the tax assessor don't put them on the books, you don't have to feed them anything, only just throw them a copy of the Gazette or Democrat once a week, give them an old tin can, or throw them an old home-made gourd. The beauty of it is if one of them dies you do not lose anything—only a stink."

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"If the boys in the hills will only touch hands with the boys in the valley, we will win one more victory for good government, and in the meantime whip these yankees out on dry land and let them stink themselves to death."

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"A committee of you farmers can take Judge Wood, Vandeveenter and this Gazette Yankee out back of the smokehouse, take off their vests, shake them around like a dog would a two-year-old 'possum, and you can put skates on a negro boy



**JUDGE JEPHTA H. EVANS.**

A Man of the People, with Many Characteristics Similar to Those of Jeff Davis. Judge Evans Delivered the Oration at Senator Davis's Funeral.



and have him skating around on railroad passes for ten feet. If you lack a foot or two having enough to plaster on the railroad passes go down in the Judge's pocket and get a few street car tickets."

One time Governor Davis addressed about three thousand people at Cabot, in Lonoke County. Farmers came from Faulkner, White, Pulaski and Lonoke counties, and the Governor made them a two-hours' speech. Mayor J. H. Brawley was chairman of the meeting, and the Old Guard was out in full force, with their jeans pants. Governor Davis referred to them as the "Wool Hat Brigade." Judge W. V. Tompkins, of Prescott, represented Judge Wood at the speaking. Governor Davis said: "The opposition hasn't friends enough here to get up a poker game, and if I would let my friends do as they want to do they would put you on the train and send you back to your wife at Prescott."

After the speaking was over, about 1 o'clock, the reception committee took the distinguished speakers in charge and started over to the hotel for a 1 o'clock lunch. At his earnest solicitation, one Meredith Shirley, a farmer, living near the Faulkner County line, had the pleasure of entertaining the Governor instead of the reception committee. "I had rather eat turnip greens, hog jowls and cornbread with you fellows out here around the wagon than to go into the hotel and eat with the high-collared crowd," said the Governor. Before Governor Davis had finished eating his dinner at least two hundred farmers had gathered around the wagon watching him eat and shaking hands with the guest of the day.

As we returned on the train Governor Davis said: "I caught that entire crowd of farmers by staying out at that farm wagon and eating that good country grub and bragging on Mr. Shirley's children."

Senator Davis, Judge Wood and Vandeventer spoke at Redfield once, and a heavy rain drenched the entire crowd of four thousand people. Doctor Reynolds was chairman of the meeting and the Old Guard was out in full force. The next day they addressed a large audience at Sheridan, in Grant County, and among other things the Governor said: "I was sorry, my friends, all got mad at me yesterday at Redfield, but I couldn't help it; they all got as wet as drowned rats. Just before the speaking began the winds blew and the floods came. Judge Wood had his wife's parasol with

him, and he got all of his friends under his wife's parasol and kept them dry. Judge Vandeventer sent up to the store, bought a dollar and a half umbrella and kept all of his friends dry. All of my friends stayed out in the rain and got wet. Women, with babies in their arms, shuffled around for shelter, and the babies got so wet they would slip out of their mother's arms just like eels."

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One time Governor Davis was invited out to Cologne Bay in Arkansas County, several miles from DeWitt. It was late in the fall of the year, and this was the last old-time barbecue of the season. After the band had entertained the audience for some time and after two or three dog-fights around the camp grounds, Governor Davis was introduced by one of the Old Guard. Among other things he said:

"Ah, ladies and gentlemen, as I came through on the sun-kissed prairies of Arkansas County, down to the beautiful city of DeWitt, it recalled old times to me. It recalled the time when I was a bare-foot boy with laughing eyes, chasing the winged butterfly up at Dover, in good old Pope County, away up there off the railroad, where the moon, the sun and the stars shine thirteen months in the year; recalled the time when I learned to play 'Naught is a naught, figure is a figure, multiply the white man and subtract the nigger;' recalled the time when I learned to play the flute and fiddle, and of course to part my hair in the middle. Many a moonlight October night have I turned my hounds out o'er the hills and valleys of good old Pope County and the most beautiful music that would ever come from the keys of an organ would come from those long, flop-eared hounds of mine. I have picked cotton, 'possum-hunted and raised great big old yellow yam potatoes and pumpkins. Mr. Chairman, isn't your mouth watering? The next night I would pore over my books, as I would learn geometry, common fractions, long division, subtraction and addition, take down the map and learn to bound everything except the political geography of Arkansas; and while I was doing all of that these Yankees running against me were in North Dakota learning how to make macaroni."

At this juncture Governor Davis turned towards his opponent and said: "Aunt Julie, I understand you can make better chile concarne, hot tamales and macaroni than any bare-footed nigger in Little Rock. If you can, you had better put on your white apron and get busy, as you will never be Governor of Arkansas."

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This caused a great deal of laughter, and the old wool hats went up into the trees and looked like buzzards flying over.

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Once while Governor Davis was making a drive from Melbourne, Izard County, to Mountain Home, Baxter County, one or two days were spent in a pleasant way. The Governor had appointments every ten miles, and from two to four speeches would be made each day. He would always refer to the gang in Little Rock; how they were opposing him, and said: "If you farmers will stay with me we'll lick the gang in Little Rock one more time."

At different times while driving along the road we would meet a farmer or a chicken peddler and the Governor would say, "Captain, I would like to get a chew of hillside navy. My name is Governor Davis, and I am sure glad to meet you." He would always take particular pains in asking the price of the yoke of oxen, how old the mules were, or how many chickens there were in the coop. At one time he bought two dozen chickens and three large country hams from a chicken peddler, and had them shipped from Guion to his residence in Little Rock.

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Several years ago Governor Davis was invited to Rogers, where he opened the Benton County Fair. After he had been talking for some time, an old farmer in the audience yelled out, "Go on, Jeff, and speak as long as you want to; we are all for you," which caused a great deal of laughter. In reply Governor Davis said: "Much obliged, Captain; but I wish you would sit down and let one fool talk at a time."

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Over in Madison County a farmer wore a \$2 wool hat at the expense of Governor Davis. It came up in this way: Once before when Governor Davis was addressing a Madison County audience, a long-whiskered farmer bawled the Governor out. "If you will have that fellow to get in the back end of the house and bawl me out," said the Governor, "I will buy you a new hat," and the trade was soon made. After court had opened and the jury was empanelled Governor Davis began giving his experience to the highlanders from up at the forks of the creek. He was telling about the convict eating pork and beans, and about negro guards using shotguns watching the convicts plow and hoe on the State farm. "Go on back to Little Rock, where you belong," said the native with the long whiskers. "Mr. Sheriff, take that

old coon out, lock him up in jail, and if you don't I will have one of these farmers take a froe and shave that alfalfa off his face." The crowd yelled, and no one in the audience knew how the trick was worked.

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"The campaign is getting as hot as a cooking stove. I hope the Old Guard will all rally to me one more time. If you will we will whip that gang in Little Rock once more. I see the Gazette agent out there in the audience giving out that old red harlot, the Arkansas Gazette. I had rather be caught with a dead buzzard under my arm or a dead polecat."

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Referring to the Supreme Court of Arkansas, Governor Davis said: "There is old Judge B. B. Battle, a member of the Supreme Court, who is president of the ice trust in Little Rock. When I brought suit against them who do you think we had to serve the papers on? An old coon out on a limb by himself—Judge Battle. One of you farmers can take a pickaxe and run up under his tooth and dig out a quid of gold as big as a young puppy."

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One time Senator Davis was making one of his famous campaign speeches to an audience of three thousand people, and after he had been speaking for half an hour he asked them to excuse him as he was "hot as goat's wool." Just after he had pulled off his coat two large dogs began fighting out at one side and the audience began to disperse, when the Senator said: "Keep your seats. It is just one dog wallowing another like I am wallowing my opponents. I didn't know that I was going to have a row among the dogs or I wouldn't have removed my coat."

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"I have whipped the squirrel-headed editors in Little Rock; in fact, all over Arkansas, until you couldn't convict a negro for stealing on the testimony of half a dozen of these squirrel heads."

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"I lied on Judge Vandeenter the other day. I went off half-cocked and said that while Judge Vandeenter was running against me for Governor his wife was at home taking in washing for a living. I lied about this, as I made a little investigation and found out she was only drawing the water."

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"Judge Bryant, you come up here on the platform; come up here where the ladies can see you. Ladies and gentlemen, I want to show you the color of one man's hair that never hugged a woman in his life. Look at the Judge's bald head. I can shave one of these eighteen-year-old boys, put an old dress on him and run Judge Bryant out of town."

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"I am going to put knee breeches on Judge Wood and run him for page when the Legislature meets. I will also try to get Vandeventer some kind of a job, even if I have to have him put in as chambermaid around the Statehouse.

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"During the sitting of the last Legislature you couldn't even get the Holy Bible through the Legislature until you got the O. K. of Dodge & Johnson, railroad attorneys, who kept a paid lobby hanging around the Legislature."

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"Everything has been put on the free list except acorns and persimmons, and I said for God's sake put 'possums on the free list as I can eat more 'possums and yellow yam potatoes than any negro out of jail. This Gazette Yankee gets into everything except shooting scrapes. He can actually smell barbecued meat a mile. Well, I am lying about that; he can't smell it over half a mile."

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"When I was prosecuting attorney of my district I prosecuted criminals and put them in jail until I would actually have their feet hanging out of the windows."

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"I have got eight children and nine pointer dogs in Little Rock. If any of you farmers should come to the city come to my house and make it your home. The fatted calf will be killed, and I will roll down a few big yellow yams, fry some country hams and cook about two dozen eggs and we will eat eggs until we have every old hen on the Arkansas River cackling. Just come down there and act like you had good sense."

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In one of Senator Davis's famous speeches, delivered November 5, 1903, among other things he said: "Ladies and gentlemen, it affords me very great pleasure to come to the good county of Carroll and address this audience of its rep-

resentative citizenship. I have always loved the people in the mountains; since I was a small boy and read the tale of the Scottish Chiefs I have always loved the hardy highlander. When I was prosecuting attorney of my district and rode over the hills and valleys of my home county, often at night I have seen far up on the mountain-side a tiny light. I have heard the bleating of the goats or the tinkle of the cow bell or the baying of the friendly watch dog. I have gone to that home, humble though it was, and there received the most generous hospitality the world can afford—and I love the people of the hills, and if they will but touch hands with the boys in the valleys we will in this campaign gain a victory for good government and good citizenship in Arkansas.

“I come to you today, my fellow-citizens, to tell you what I have done since I have been your Governor, to tell you what I hope to do if I am again elected to that honorable position. I believe that any public servant ought to be willing and ready at all times to give to the people faithful and true an account of his stewardship since they have honored him, and that is why I am here today.”

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“I am a Hard Shell Baptist in religion; I believe in foot-washing, saving your seed potatoes, and paying your honest debts.”

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“Aunt Julie, when did you come to town? If any of you farmers want to get a pardon after the election you will have to call and see Aunt Puss.”

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“The other day an old hay-binder from Skipper’s Gap attended our speaking. He took Judge Wood off by the nap of the coat tail, and I supposed they were going out behind the smokehouse to get a drink of booze. The fellow asked Judge Wood who his campaign manager was, and Judge Wood replied that it was a little lawyer down at Little Rock. Yes, ladies and gentlemen, a little two-by-four of an up-start of a lawyer in Little Rock by the name of Wylie, who hasn’t got sense enough to bound Pulaski County. The farmer also drug me off to one side and I thought he was going to bum me for a chew of hill-side navy. He asked me who my campaign manager was, and I told him it was just the farmers of Arkansas.”

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"I am getting tired of politics; politics will ruin anybody in the world; it has almost ruined me."

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"When Judge Wood gets up to speak I want you farmers to call on him for one of his songs. He is the singing candidate in this race. I can't sing. I ruined my voice crying for gravy when I was little. Judge Wood makes more racket singing in the choir in Little Rock than one of you farmers would calling your hogs at home."

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"Once the Democratic State Central Committee arranged for me to meet in joint debate a noted Populist speaker by the name of Cyclone Davis from Texas. We were to meet at Batesville. I was called to St. Louis on some business two days before, and was to take an early train out of St. Louis for Newport. I missed my train. Somebody stole my pants, and I was so glad. When I got up next morning I couldn't get out in time to buy another pair and catch the train, and I have always been so thankful to some St. Louis thief for keeping me from getting a good skinning from a Populist speaker from Texas."

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"I was invited over to Dallas, Texas, the other day to make them a speech. I told them all about the resources, the razor-backs, the squirrel-heads, our navigable streams, our good-looking women, and our million dollars in the State treasury. I told our sister State of Texas to come over in Arkansas with some blank notes, and we would lend them all the cash she wanted."

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"Old Armour and Cudahy never raised a sow and pigs in their lives. Yet the prices of meat are so high that I can hardly buy breakfast bacon in Little Rock enough to support my family. I just buy one little slice, hang it up by a long string, and let each one of my kids jump up and grease their mouths and go on to bed."

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"If you will send me up to Washington I will let that gang know I am in town. I will pull off a speech that will knock down the cobwebs before I am there two weeks. (An old farmer at this stage of the game yelled out, "That is all right, Jeff; we are going to send you to Washington," and threw his hat ten feet high over the audience.)

"This is a very prosperous country, for all along the road I have not been able to see anything but children, watermelons and hill-side navy. The amount of tobacco the farmers of Arkansas raise should make the price of Star Navy and plug tobacco go down."

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"I have been led many a time to a farm house on the hill-side or valley by the smell of fried meat, as I can smell it further than I can hear a dinner horn or an old cow bell."

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"If there is any one profession in the world that the American people can do without it is the lawyer. Most of them want to go to the Legislature, and become the proprietor of a railroad pass or be appointed beer-inspector. Lawyers don't do anything but raise a row, and get you farmers into a lawsuit. There are more little puny, hook-nosed lawyers around Little Rock than any town of its size in the United States. They are always onto their job."

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"I have got a little eight-year-old boy at home. I have been thinking of making a preacher out of him. Some want me to make a lawyer out of him, but I don't care if he makes a chicken peddler or anything else, but when he gets grown and I find he hasn't got any sense at all I am going to make an editor out of him; then there will be one more squirrel-head in Arkansas. Most newspaper editors can live on sawdust and wind and make the wind themselves."

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"My campaign against my opponents is going to be as easy as taking candy from a baby. I want all you fellows who ever took a drink to vote for me, and all of those who haven't may vote for Judge Wood. I can stay at home and sleep and beat Judge Wood or this Yankee from Morrilton. I am depending on the horny-handed, sun-burned sons of toil, the men that pull the bell-rope over the mule, to help me fight this battle, and if the boys in the hills will only touch hands with the boys in the valley we will gain one more victory for good government."

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"Judge Wood, who is your campaign manager? I know who he is. It is a little two-by-four of an upstart of a politician in Little Rock that has hold of the throttle for the morality crowd. Who has charge of my campaign? It is

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the laboring class. It is the farmer. It is the mechanic. It is the brickmason and the wool-hat brigade of this State who are assigned the duty of looking out after my interests in this contest."

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"The other day an old farmer caught Judge Wood by the nape of the coat tail and took him off to one side like he was going to ask about a horse thief and said, 'Judge, who got you into this race?' The Judge said, 'Oh, for God's sake, don't ask me who got me into it; ask me who is going to get me out.' I will tell you, ladies and gentlemen, who is going to get the Judge out of the race. It is the farmer, the mechanic, the wood-haulers, the red-necks and the patched-brittches brigade. They are going to put the Judge out on dry land."

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In discussing the legislative hearing on the Anti-Trust Bill, Senator Davis said: "The committee sent for witnesses, and whom did they send for, my fellow-citizens? Did they send for the farmer? Did they send for the laborer? Did they send for the manufacturer? Did they send for the mechanic? Did they send for the merchant? Did they send for the class of citizens who bare their breasts and their arms and their backs to the heat and burden of the day? No. They sent for the insurance agents from Pine Bluff, and Helena, and from Fort Smith, and for a high-collared crowd that wear collars so high they can't see the sun except at high noon looking over the tops of their collars. They sent for the crowd that when they shake hands with you they only give you the tip of their finger. The crowd that you can't tell from their tracks whether they are going or coming back."

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"Gentlemen, I may never see you again. I hope that I will hold out physically in this race. If God will only give me strength, that is all I ask. When you present a thing to the people and they see it they will always do right. I love my native State. I love its hills and its valleys. I love its bright waters. From the health-giving waters of Eureka Springs on the north to the great Father of Waters on the east, that finally loses itself in the tepid waters of the Gulf; from the pine lands and prairies of the west to our eastern borders, all up and down the hills and valleys of Arkansas, there lives as noble, as brave, as generous, as gentle a race of people as ever sunned themselves in the smile of Omnipo-

tent God. The papers say that nobody will vote for me except the fellows that wear patched britches and one gallus. and live up the forks of the creek, and don't pay anything except their poll tax. I don't know how true that is, but I want to tell you that there is no great reformation that ever originated on this earth that did not come from the ranks of the humble and lowly of the land. Jesus Christ, when He went out and started the greatest reformation that ever blessed mankind, went to the humble and the lowly. He went to the fisherman's cot, to the stone-cutter's bench; He didn't have but one smart man in the crowd and He had to knock the filling out of him before He could use him."

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"The fight is on; it is between the trusts and the corporations and the people. If I win this race I have got to win it from 525 insurance agents scattered all over the State; I have to win it from every railroad, every bank, two-thirds of the lawyers and most of the big politicians; but, if I can get the plain people of the country to help me, God bless you, we will clean the thing up. Do you mean it? Are you in earnest? If so, help me; as I say, all that I am, all that I ever expect to be, I commit into your hands and your keeping, knowing that if I deserve your confidence I will receive it. If I do not merit it, you will withhold it."

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"If you red-necks or hill-billies ever come to Little Rock be sure and come to see me—come to my house. Don't go to the hotels or the wagon-yards, but come to my house and make it your home while you are in the Capital City. If I am not at home tell my wife who you are; tell her you are my friend and that you belong to the sun-burned sons of toil. Tell her to give you some hog jowl and turnip greens. She may be busy making soap, but that will be all right; you will be properly cared for, and it will save you a hotel bill. The word 'Welcome' is written on the outside of the door for my friends."

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"The other day after the speaking a farmer with a patch on the seat of his pants as big as the map of South America came to me and took me by the hand and said, 'Jeff, you sure warmed up that gang in Little Rock; I am for you until the rope breaks.' "

"I knew that all the squirrel-headed editors in Arkansas were lined up against me, but they tell me that every little old pill-roller in the county is against me, too."

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"The other day a farmer asked me what Vandeventer did at Morrilton before he got into the Governor's race. I told him he was in the lumber business—that he just lumbered around town."

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"Bob Rogers, you threatened to kill me. I am not afraid of you. I can take a corncob with a lightning bug on the end of it and can run you into the river."

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"You remember I told you that if you would elect me Governor I would make the gang in Little Rock sit up and take notice. I told you that I would turn Red River through the Statehouse. Unless things are changed and unless things are dammed up by the Gazette and Democrat, I am going to do so."

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One time Governor Davis was addressing about three thousand people at Pearson, in Cleburne County, and said: "If there is a man in this crowd that is going to vote for Vandeventer I wish you would hold up your hand, for I want to see who you are." At this juncture Lawrence Shaner, a farmer, who lived near Pearson and who now lives at Heber Springs, held up his hand and said, 'I am for Van,' and Governor Davis said, in a jocular way, "Don't you feel lonesome? Just one little, measley fellow who is going to vote wrong." The Governor paid a high tribute to Uncle Jim Bettis, of Pearson, one of the Old Guard, who always got out on the firing line during the campaign for Governor. "Just look at Uncle Jim Bettis here, with his homespun clothes, with his home-knit socks. These are my kind of folks—fellows that chew hill-side navy, smoke a cob pipe and sing in the choir."

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"When I licked that gang in Little Rock during the last campaign they went around on the streets with faces as long as a saddle blanket. The barbers in Little Rock would actually charge them forty cents each for a shave, their faces were so long. Some of them call them Colonel, some of them call them Captain and some of them call them Judge. Judge

of what, ladies and gentlemen? Judge of good-looking women and good whiskey? There's where the judge shines. The high-collared crowd haven't got sense enough to beat me for Governor, but they know whether it is Schlitz, Budweiser or Pabst."

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"When I was running for prosecuting attorney of my district I told the boys around Morrilton, Plumerville and Russellville that if they would elect me their prosecuting attorney I would fill the penitentiary so full of negroes that their feet would be sticking out of the windows. If you will look up my record you will see that I made good in this respect. I now ask you to elect me Governor. It has been the dream of my life. It has been the heart-throb of a lifetime, and I promise you here and now that I will run the pardon mill fair and impartial, and none but my friends need come around me begging for pardons."

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"Excuse me, ladies and gentlemen, but I want to apologize to you for lying to you. The last time I spoke here I lied to you. I now want to apologize. You remember I told you we had a million-dollar Statehouse steal on our hands. I lied about this; it was a million and a half."

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"I have been so busy the past three weeks fighting these Yankees" (meaning his opponents) "that I haven't had time to kiss my wife."

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"Ah, gentlemen, I see in this audience many battle-worn, gray-headed veterans who have passed through the Civil War. Many of you are fast finishing up the shady side of a long, successful career. When I see you I always want to take off my hat to you. I always want to do honor to you, especially when I see you with an empty sleeve and an empty boot leg."

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Governor Davis opened his campaign for United States Senator at Conway, July 4, 1905. People came from far and near to hear his opening speech, which had been extensively advertised. Jo Frauenthal, one of the Old Guard at that time, was chairman of the reception committee. Among other things, Governor Davis said: "Ladies and gentlemen, excuse me, I want to refer to one of your most distinguished

citizens. I want to refer to a man who has stood lone-handed and fought the biggest gang of grafters and thieves that ever invaded our State. He has saved the taxpayers of Arkansas hundreds and thousands of dollars. I refer you to honest George Donaghey, of your own city." Governor Donaghey was unusually popular at Conway and contributed a great deal to the barbecue. The citizenship of Faulkner County appreciated the remarks made by Governor Davis regarding Mr. Donaghey.

## CHAPTER IV

### JEFF DAVIS'S FIRST SPEECH FOR GOVERNOR.

#### I.

#### HIS CENTER POINT SPEECH.

Jeff Davis's first speech in his campaign for the nomination for Governor, against John G. Fletcher of Little Rock, Edgar E. Bryant of Fort Smith and A. F. Vandeventer of Morrilton was delivered at Center Point, February 12, 1900, as follows:

Mr. Chairman, Gentlemen and Fellow-Citizens of Howard County:

I have never had the pleasure of speaking to an audience in Howard County before in my life. This is my first appearance in the good County of Howard. In my race for Attorney General, my physical strength would not permit me to come here. I was paralyzed in my left side and arm. I made only one real speech in that race. I made it at Eureka Springs sitting down in a chair most of the time. I sent it as a message to the great throbbing heart of Democracy in Arkansas, asking for their support, and the good County of Howard, receiving that message, responded to it most nobly and gave me this county. And I sincerely thank you for it today.

This is the first meeting, gentlemen, in a joint discussion, and I was glad that the battle ground was selected in the good County of Howard, because just across your borders in that territory which originally comprised the counties of Little River and Sevier, I first saw the light of day. Under the whispering pines of old Brownstown lies buried my old grandfather, and I was glad when they pitched the battle ground here. And, if the boys of the valley will but touch hands with the boys of the hills, the people of Arkansas will have gained one of the greatest victories that has been achieved in this State in a quarter of a century. Every word that I say, gentlemen, is misconstrued by the metropolitan press of this State. I brought a stenographer here at my own expense that he might take down every word that I say in this discussion, that no misconstruction may be put upon it.

Gentlemen, in this contest I am unequally pitted. Against me is pitted the silver-tongued orator, Judge Edgar E. Bry-

ant, of Fort Smith, who has made you a most beautiful speech this morning, but it was a prepared effort. Did you not see him lay it before him when he began to speak? On the other hand, I am pitted against the distinguished gentleman from Pulaski, the strong, solid stage-horse of the business interests of Arkansas, Col. John G. Fletcher. On the other hand, the candidacy of Mr. Vandeenter; and the effect of his candidacy, if I should allow it, would be to engage me in a discussion of personalities while Judge Bryant and Colonel Fletcher run for Governor. That shall not be done. I am going to watch the guns.

I have been your Attorney General one year. Since the 17th day of January last a year ago, I have had the honor to be your Attorney General. Never in the history of public offices in Arkansas has such an unjust, merciless, cruel, unnecessary war been waged against any official in Arkansas as has been made against me by the metropolitan press of the city of Little Rock. Why has that war been made, gentlemen?

There is always a reason for everything. There is no fact in this world of ours but that if you look behind it you will find the cause. Go to Nature—go anywhere, wherever you see an effect, look back of it and you will find the cause. I am going to give you the cause here today.

I readily join hands with my brethren when they say no personalities shall be indulged in in this canvass. Ah, gentlemen, before I would do that I would quit this race. But my public record as prosecuting attorney of my district and the public record which I have made as Attorney General of your State is subject to criticism. The public record which Judge Bryant made as circuit judge or any other public capacity is subject to criticism. The public record which my distinguished friend, Col. John G. Fletcher, has made for himself in the great State of Arkansas is subject to criticism. In fact, gentlemen and fellow-citizens, the only way to purify the political atmosphere is by just criticism. Is that not true? As lightning purifies the elements so just criticism purifies the political horizon.

The charge has been made against me by the press of the State that I have neglected my duties, traipsing around over the State asking for another office before I had performed the duties of the one to which you have elected me. If that charge is true, then you ought not to vote for me for another position. Is not that a fair statement? Is that true? Let

the books be opened; let the record be unfolded; let the facts speak and you be the judge.

You all know that it is my duty as Attorney General to represent the criminal appeals in the Supreme Court of this State, just as it is the duty of the prosecuting attorney to represent the criminal cases in this court. I state to you that the Supreme Court of this State has never been called upon to continue a single case upon that docket at the instance of the State.

Not only that, gentlemen, but since I have been in office, and at the time the charge was made by the press of the State, I have served the State as Attorney General for thirty-two weeks. During these thirty-two weeks I prepared thirty-four briefs on criminal cases for the Supreme Court. These briefs averaged from twenty to one hundred pages each of printed matter. I submit to any lawyer in this audience if that is not some work. Not only that, but I have written on an average of twenty business letters per day, answering every proposition that has been submitted to me by anybody, justices of the peace, school directors, road overseers, county officials and everybody else. It has been the custom of this office, I am told, up to this time to submit these questions to the Prosecuting Attorney of the various districts, but I endeavored to answer them all as intelligently as I could. And anybody knows that road overseers and school directors can ask questions that will take a Philadelphia lawyer a week to look up.

Not only that, gentlemen, but in that thirty-two weeks I have prepared and submitted forty written opinions on important questions, all of which require more or less investigation. Now, to that just for a minute, and I will stop that part of the discussion. I was asked by Mr. Wilson, Assessor of Clark County, whether or not the paid-up cash surrender value of life insurance policies were taxable. You know the Collins Bill, taxing this character of property, was presented and defeated. The question that Mr. Wilson asked me, as chief law officer of this State, was, "Is the cash surrender value of life insurance policies taxable under the Constitution and laws as they exist now?" I instructed him that they were. For instance, I have a \$10,000 policy upon my life. I have carried it ten years. I could surrender it tomorrow to Mr. Remmel and get a given amount of cash for it. If that is true, and it is true, then, when I come to list my property, I should give that amount in for taxes. Ever since



**JAMES SURRIDGE.**

Of Walnut Ridge, Who Was a Personal Friend of the Senator.



the rendering of that opinion every life insurance agent in Arkansas is in the saddle actively against me.

Not only that, but Scipio A. Jones, a "nigger" lawyer in Little Rock, an insignificant personage, submitted to me and to my office a very important question, and that was this: "How much shall county convicts confined upon the county farm to work out their fine and costs be allowed upon their fine and costs for each day that they labor?" I do not know what your practice is, but with us it is this way: A man is tried for carrying a pistol here. He is fined fifty dollars. The sheriff's and clerk's costs are about ten dollars. The Prosecuting Attorney's is ten dollars more. This makes seventy dollars. If he can not pay it he has to go to the county farm and work it out.

Up to the time of rendering this opinion, the practice had prevailed all down the Mississippi river and in Pope County on the Arkansas river, to allow him fifty cents a day. If he was sick and did not work, he was charged fifty cents for his board; if it was a rainy day and he could not work, he was charged fifty cents per day for his board; if it was Sunday and he could not work, he was charged fifty cents a day for his board. So, gentlemen, an unfortunate man was absolutely working *into* the county farm instead of working *out*.

I instructed Scipio A. Jones, a "nigger" lawyer, that, in my judgment, every convict that was confined upon the county farm to work out his fine and costs should be allowed under the law seventy-five cents per day for the time he was confined, whether he labored or not. That revolutionized the county farm in Arkansas. Men were turned out of the farm. They had been kept over time. One of them sued at Pine Bluff for being worked overtime, and Judge Tony Grace of Pine Bluff sustained that construction of the law. It is now upon appeal in the Supreme Court of Arkansas, and briefs of myself and opposing counsel have been filed. What that court will decide I do not know.

But I believe that the law ought to be administered in mercy. It is not the severity but the certainty of punishment that deters men from committing crime. These are a few of the things that I have done. I have not the time to tell you about it all; it would take me a week.

## II.

## THE ANTI-TRUST LAW.

Last, but not least, my construction of the Anti-Trust Law. That has brought on this whole fight. I intended, ladies and gentlemen, if I ever told the truth in my life, when my two years' term of office as Attorney General expired, to go back to my home and family. I had rather be in the bosom of my family and surrounded by my wife and children and my friends, with my little law practice, small as it is, in the good little town of Russellville, than to have any office in the gift of the people. That is the truth, if I ever told it. Notwithstanding the fact that the Legislature, at my request, increased the salary of the Attorney General's office from \$1,500 to \$2,500; notwithstanding the fact that possibly I might have had that office again without opposition (at least I flatter myself so), I had told the people at Eureka Springs in that speech that I would not again be a candidate and I stuck to my word. Remember, gentlemen, that the increase in salary does not go to me, as these papers state, but to my successor in office. I state that in the presence of any lawyer. The papers say that the Legislature gave me \$1,000 more to run for Governor on. Ah, they know that is not true. Let's see the facts. The meanest criminal in the courts of the country is entitled to a hearing, is he not? All I ask is for a hearing before the bar of Justice.

Gentlemen, my construction of the Anti-Trust Law brought on this whole fight. What is that? Can you understand it? I will try to make it just as plain to you as I possibly can. I want to say to you, gentlemen, that the Legislature which assembled in Little Rock was one of the bravest bodies of men that has ever assembled in that city, according to my judgment. Out of that whole body, there was not a braver man, or a man who stood more faithfully by me in the discharge of my duties, than the good representative from the good county of Howard. That man deserves that compliment. I give it to him freely and cheerfully.

Ah, gentlemen, what is my construction of that law which has brought on this whole fight? Let's see what it is. The lawyer that can present his case the plainest, the minister that can present his sermon the plainest, is the best lawyer and the best minister, is he not?

Let's see what is my construction. The Legislature passed this law. I hold it in my hand. It is the best law that has

been passed in Arkansas in a quarter of a century if it could be executed.

What is it? It says, "Mr. Corporation, if you are a member of ANY, a-n-y pool or trust you can not do business in Arkansas." Ah, but the newspapers say that I am wrong.

What are these newspapers? What is the Arkansas Gazette and the Arkansas Democrat? The Arkansas Gazette is supposed to be the leading Democratic organ in this State. Who owns it? Who controls it? John R. Dos Passos, a great lawyer in the city of New York owns a large interest. John R. Dos Passos owns for himself or his clients all the Holford bonds that were foisted upon the people of Arkansas by the Carpet Bag administration from 1868 to 1874. A man by the name of Smithee was employed as editor, and the first editorial which appeared in that paper after his employment was an editorial looking to the redemption of those bonds. I state in your presence as a lawyer, and in the presence of this court, that all that is necessary in order to redeem these bonds is to get a two-thirds majority of both houses of the Legislature to say so. Go and look at your Constitution. Who is the editor of that paper now? One Richard Brugman—Dick, we call him in Little Rock—the meanest, most contemptible little Republican in Arkansas, who just a few years ago was the president of a "nigger" club in Little Rock. I stood their vituperation and abuse until it was unbearable. I had no idea of entering into this race, but finally this proposition was made: "We will make his name infamous in Arkansas." "Infamous" in the State where I was born, where my children were born, where I was married and received my education, and hope to be buried when I die. I took that paper home and showed it to my wife, as good and brave a little Southern woman as God ever gave to any man, and asked her what I should do. She said: "Notwithstanding the fact that we are poor, notwithstanding the fact that we had little when we were married, notwithstanding the fact that we have little now, yet, if it takes everything that we have, even the little home over our heads, and we have to walk out into the street, and begin life over again, go before the people of the State and give the reason for the faith that is in you." And that is the reason why I am here today.

Ah, gentlemen, the war is on. Not a battle between my opponents and me—they are gentlemen—but the war is on. It is knife to knife, hilt to hilt, foot to foot, knee to knee,

between the corporations of Arkansas and the people. The Helena World says that I am a carrot-haired, red-faced, loud-mouthed, strong-limbed, ox-driving mountaineer lawyer that has come to Little Rock to get a reputation; that I am a friend to the fellow that brews forty-rod bug-juice back in the mountains, and all that sort of stuff. I have a little boy, God bless him, a little pale-faced, white-haired fellow. I love him better than anybody on earth except his mother. If I find that boy is a smart boy, Judge Bryant, I will go and make a preacher out of him; if I find he is not so smart a boy, I am going to make a lawyer out of him, and if I find that he has not a bit of sense upon earth I am going to make an editor out of him and send him to Little Rock to edit the Arkansas Democrat. A lot of squirrel-headed newspaper editors who could not buy five cents worth of beef steak in the town where they live, try to tell the people how to vote. Shall it be done or not? Let the books be opened.

You will not see a word said in the metropolitan press of Little Rock against my distinguished friend, Colonel Fletcher; you will not see a word said against Mr. Vandeveenter; you will not see a word said against my distinguished friend, Judge Bryant; it is all against me the fight is being made. "I am up against the real thing now."

What is the matter with my construction of this law? Let us answer it: "Mr. Corporation" (here is the law), "get your acts of 1899 and read them." "If you are a member of any pool or trust you can't do business in Arkansas." "Any pool or trust." What do you mean by that? It means what it says; just what any plain man would understand it to mean. What does "any" mean? The United States Supreme Court has said in the case of Paul vs. Virginia, 8 Wallace, U. S. Sup. Ct. Rep., that the Legislature has power to say that a foreign corporation can't do business in the State at all; that the consent of the Legislature must be obtained before a foreign corporation can do business here at all. If they have the power to say that, the only question that remains is, did they say it by this act? Therefore, there is where the bravery of the Legislature comes in.

What does it say? "If you are a member of any pool or trust you can't do business in Arkansas." There are two elements—"being a member of any pool or trust" and "doing business in Arkansas." I submit this to the lawyers. "Being a member of a pool or trust" and "doing business in Arkansas" are the constituent elements of the offense. I

can illustrate it in a minute. Suppose this little town of Center Point is an incorporated town, and you hear that a man with smallpox is coming into your town. What do you do? The officers meet him at your city border and say to him, "As long as you have the smallpox you can't come into Center Point." You have that power; you have no other power than that. You can not say to him, "You can not go to Nashville or can not go over to Lockesburg," but you can say to him, "You can not come into Center Point as long as you have the smallpox." There is no extra-territorial effect in this law. What is the result? You keep him out. You say to him, "The very minute you get well of smallpox you can come here." We can not keep you from going to these other places. Whenever you get well of smallpox you can come here as much as you please, but as long as you have the smallpox you can not come here."

Ah, gentlemen and fellow-citizens, these trusts are affected with a much more loathsome disease and more dangerous to the body politic than smallpox is to the human body.

I construed this law. I said, "If you are a member of any pool or trust anywhere on earth you can not come into Arkansas and do business." That is the remedy. What was the result? Ah, the trust agents went to see their lawyer, Judge U. M. Rose, the best lawyer in Arkansas. They took that opinion to Judge Rose. What does he say? Here it is; let the books be opened; let the record be unfolded.

Mr. L. B. Leigh, who is probably one of the best known life insurance men in the South, was called on for an explanation as to the effect of the bill. He spoke briefly and to the point, saying among other things: "I first wish to correct an error in the Gazette of today in reference to yesterday's remarks by me in this hall. I was referred to as connected with the Board of Underwriters. No such an organization now exists here. When the Anti-Trust Law went into effect it was disbanded."

Mr. Leigh told of a visit Mr. John Boyle and himself paid to the Auditor and asked him the meaning of the word "any" in the bill just passed, whether it meant that any company could do business in Arkansas belonging to a pool, etc., in Arkansas or whether it prevented them from doing business in Arkansas if they belonged to any association outside of the State.

"It was his impression that the law related only to Arkansas," said Mr. Leigh. "Then they went on about their business, but have been brought up with a round turn by the Attorney General, who holds that the law prohibits companies doing business in Arkansas who are in 'associations' anywhere. We have called on him, and he has restated his opinion; the language is plain, but he tells us that the Legislature is still here and if it deems best it can amend the law. He even says in his opinion the companies are now doing business in violation of this law, and doing so at their peril; that they have been in peril since the 7th of March. We have sought counsel as to the meaning of the bill, and our advice has been that the opinion of the Attorney General would be sustained and it could not be successfully resisted. If I have not stated the name of our adviser I will do so now—Judge U. M. Rose."

All my competitors tell me, and I am glad they take sides with this decision as the court renders it. Judge U. M. Rose said that I was right. Up to that time the corporations paid no attention to the red-faced, carrot-haired, loud-mouthed, deep-lunged, strong-limbed, ox-driving mountaineer lawyer. But what was the result? Something ought to be done. They called a big business men's meeting in Little Rock. About five thousand men met at Glenwood Park in the city of Little Rock prior to that decision. My distinguished friend, Col. John G. Fletcher, was a delegate to that convention. What must be done? Something must be done. They met. That convention was composed largely of goldbugs, insurance agents and Republicans. They cussed and discussed the Legislature that passed this law, but they quickly folded their tents like the Arab and sneaked away in the morning.

The Legislature stood firm; the Legislature stood by me. The Legislature appropriated \$5,000 to help me carry into effect this construction. Ah, gentlemen, Judge Bryant says I only sued the fire insurance companies. I know that he does not intend to misrepresent the facts. I sued the Standard Oil Company, I sued the American Tobacco Company, I sued the Continental Tobacco Company, I sued the Cotton Seed Oil Trust, I sued the express companies, I sued everything that looked like a trust. I sued them all. I know one thing, as an officer, you must stand upon the broad, high plane of the law. As long as an officer stands upon that high plane he is safe and secure. The turbid waters of public sentiment may break around his feet, but as long as he stands

upon that broad high plane of the law he is safe and secure.

Public sentiment is the most fickle thing on earth. Today she fondles and caresses; tomorrow she scorns and scoffs. But I am a sort of hard-shelled Baptist in my faith. I believe in foot-washing, I believe in baptism by immersion, and believe in using the straight edge. What is the "straight edge" in physical conduct? The law. I sued them all. This business men's meeting met. That wasn't enough. They must have public sentiment manufactured. They had a mock trial out there at Glenwood Park. The Federal judge presided. Mr. Blackwood, of the firm of Blackwood & Williams, represented one side. Mr. Fay Hempstead, one of the most noted men in Arkansas, represented the other side. Some of the judges were there, I am told. All the elite of the city were there. What was it? Public sentiment must be manufactured. What was the result? Why, the law was crucified at the very foot of the Temple of Justice and its mangled corpse was left dead and helpless.

I said, "If you come into the State as a trust you shall not do business here." Ah, gentlemen, the proudest day of my life was in St. Louis on the 20th day of September, at the great Anti-Trust conference. Twelve Governors and twelve Attorneys General of the South and West were present. The following resolution, prepared by me, was adopted. Governor McMillan of Tennessee was chairman of the committee on resolutions. Twelve Governors and twelve Attorneys General adopted this resolution as one of the best to exterminate the trusts. Here is the resolution written upon the paper of the Planter's Hotel. What does it say?

"Recognizing that a trust is composed of corporations, and that they are creatures of the law, can only exist in the place of their creation and can not migrate to another sovereignty without the consent of that sovereignty, and that this consent may be withheld, we recommend that it is the sense of this conference that each State pass laws providing that no corporation which is a member of any pool or trust in that State or elsewhere can do business in that State."

That is a perfect defense of my own record. I paid my own expenses to that Anti-Trust conference and to the Anti-Trust conference at Chicago to help carry on the fight. I have felt the fire; I have stood in the breach; I am not gun shy. They know I am not.

I make no reflection upon my distinguished opponents. They may be just as honest as I am and just as sincere. But

their election, mark my words, will be counted as ■ victory by the corporations of Arkansas.

Why? Conceding that they are honest and conscientious, conceding that they want to do what is right about trusts, the fight is being made upon me, not by them; that would be too plain; the people could see it; but by the corporations, and their election means victory for the corporations. I do not impugn their motives. Do you understand me? Look and see if anything is said about them by the metropolitan papers of this State. Oh, no.

Now, do you understand that Anti-Trust Law? My construction was to shut off their field of operation; shut it off; don't let them come here. They organize in New Jersey, not for the purpose of doing business there, but to come here in the South and West. Whenever you shut off their field of operations, that minute you kill the trusts, destroy their field of operations. That's what I want to do; that's what the Anti-Trust conference in St. Louis was in favor of.

You can not dally with this matter; you can not temporize; you must destroy. Are you in earnest about it? Do you mean it? The Democratic Party in its platform has always said, "We are against trusts, we are fighting them." Are you in earnest about it? Do you mean it? Or is it just in the play? My brother there (pointing to a lawyer in the audience) and myself may have almost fought in the court room; but if you will follow us to the back door you will see us doing something that enemies do not always do. That is all in the play, you know. Are you in earnest about this thing? If you are, cut off their field of operations; tell them they shall not come into our borders. That is what the law meant before the court construed it away.

Ah, gentlemen, I don't abuse anybody; I have never abused anybody. A paper published at Camden, Judge Bunn's own home, the Ouachita Herald, says this: "In the first genuine tilt between the people and the trusts in this State the people have been defeated, and that, too, through a tribunal established for their own protection. This is not said in any offensive sense, nor to imply that the members of the court are corruptly in league with the trusts. They are a pure and honorable body of men and would not wilfully do wrong, but they, like others, are creatures of environment and no one can read the decision critically and impartially without being impressed with the idea that the act, in their judgment, was about to do ■ great and irreparable wrong to the business

interests of the State, and that it would not be right, therefore, to explain it away by giving it a meaning other than that contended for by Attorney General Davis. Public sentiment to create this impression was manufactured for the occasion, and the result is before us in this decision." They are the creatures of environment. I have never said that the court was corrupt; I never said that they could be bought or bribed; every man is a creature of environment. If you tell me what a man's circumstances and what a man's surroundings are, I will tell you what his conduct will be. The Democrat howled trusts at them from night till morning and the Gazette from night to morning.

They were met upon the street by trust agents; they breathed an atmosphere of trusts. The farmers were not there to meet them, shake hands with them and let their interests be known. They are the creatures of environment. This public sentiment was manufactured. They fell into its wake. I have said everywhere, and I say it here, that we need a Supreme Court, and need it awful bad, and I hope the people in the coming election will defeat every one of these gentlemen that asks for their support. Why do I say that? I have the greatest respect for the honest, upright, noble and conscientious judge, who holds the scales of justice in equal poise and does not permit extraneous matter to be cast into the scales with or against either party. But the judge, like old Shiras, who took a somersault at night on the income tax case, and reversed himself in the morning ought to be held up to the severest condemnation of every liberty-loving, patriotic citizen.

Didn't Abraham Lincoln, back in 1857, criticise the Supreme Court of the United States for their Dred-Scott decision? He criticised the Supreme Court in language much more severe than I could possibly use. Is there anything wrong in this?

Wasn't Lincoln a patriot? Next to Jeff Davis, he was one of the greatest men this country ever produced. In his last message to Congress he said: "I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned, and an era of corruption in high places will follow and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until wealth is aggregated in a few hands and the republic is destroyed. I feel at this moment

more anxiety for the safety of the country than ever before, even in the midst of civil war."

Is not that prophecy becoming fulfilled? Take the language of the Hon. Justice Harlan in the income tax case. Does he not criticise his own bench much more severely than I could possibly do?

Ah, gentlemen, I said to the court in arguing this case, in the presence of five hundred insurance agents, that if we ever have another civil war it would be brought about by judge-made law. What do I mean by that? I consider that it is the duty of the court in construing an act to get the legislative intent out of the statute, not to inject the judicial intent into it. Is not that the rule, my brother?

What does H. C. Caldwell, the greatest judge of the Federal bench today, say? "The modern writ of injunction is used for purposes which bear no more resemblance to the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation. With it the judge not only restrains and punishes the commission of crimes defined by statutes, but he proceeds to frame a criminal code of his own as extended as he sees proper, by which various acts innocent in law and morals are made criminal, such as standing, walking or marching on the public highway, or talking, speaking or preaching and other like acts. In proceedings for contempt for alleged violation of the injunction, the judge is the law-maker, the injured party, the prosecutor, the judge and jury. It is not surprising that, uniting in himself all these characters, he is commonly able to obtain a conviction."

If I had said this I would have been denounced by every paper in Arkansas as an anarchist. What does he say further? He said this: "The people are always singularly patient of abuses in the administration of the law. This is due to their confidence and respect for the judicial office. But when that confidence is shaken by abuses open and obvious to their comprehension, they will put an end to them by the exercise of their own true and imperial sovereign power."

What does that mean? It means revolution. Ah, I tremble for the safety of my country. The Legislature may pass laws, but the courts can construe them away if they are not

held accountable at the bar of public justice. The court decided against me. I appealed from that decision to the people; I want to empanel you here as a jury to try the issues involved in this controversy. I will submit to your own circuit judge, who sits upon that bench, if my construction of that law was not right. That's the remedy for trusts; shut them out; don't let them come here; don't let them come into your borders.

But my distinguished friend, Judge Bryant, gave you no remedy. He is a pretty word painter. Ah, I am not here to talk about the Philippines or expansion; I am not here to paint words. I am here for the purpose of letting the people know the situation. I said everywhere, and I say it here now, that the farmers are the bravest class of men upon the face of the earth. Why do I say that? The men who marched up the bloody heights of El Caney, or who stormed the forts of Manila were not braver than the farmers and laborers. Why?

The farmers toil day in and out trying to support themselves and families as God Almighty has commanded them, in the sweat of their faces, but if they were to sit down at night and figure up what they are going to make they would quit the next morning, and you know it. The fellow at the other end of the line is controlling prices. Are you going to dally with it; are you in earnest about this matter? Then, shut them out; don't let them come here.

Arkansas started this strong agitation; Texas has taken it up; the South and West has taken it up. That's my remedy. That was the law before the court construed it away. Ah, my friend, Judge Bryant, makes the decision mighty nice. It is easily covered up, but I want to take the kernel out and show it to you, and I have done this. Suppose you could divide this great country into two classes; on one side you put the wealth-producing element, on that side the wealth-consuming element. Which side would be the biggest? You know that the wealth-producing side would be. Who makes the laws largely? The wealth-consumers and not the wealth-producers. Who executes the laws largely? The wealth-consumers. Who construes the laws largely? The wealth-consumers. Now, if you expect the wealth-consumers of this country to make, execute and construe the laws with that even and exact justice you are mighty badly mistaken. As Bill Arp says, "Human nater is the same the world over." I will tell you there is a good deal in that old man's prayer:

"God bless me and my wife, my son John and his wife, us four and no more; amen."

You have come to the parting of the ways; you have come to the dividing line. My opponents might do just as well as I. I have no doubt they might be just as good; but I have been tried; they have not. It is a question of principle and not of a man; they are making no fight upon my opponents, they are making the fight upon me. Read the newspapers; they tell the tale. Now, gentlemen, that's the Anti-Trust Law. Is it a good law or a bad one?

If I had wanted to take what apparently seemed to be the popular side at that time, wouldn't I have gone with the business men, where my distinguished friend, Col. John G. Fletcher, was? If I had wanted money out of it, as the newspapers seem to think I want out of the Governor's office, couldn't I have just held my hand behind me and got all I wanted? Then, ladies and gentlemen, at least give me credit for being honest. I have stood by the guns. I have gone through the fiery furnace, my opponents have not. There is no chance for trusts with me in this office. There might be with my opponents.

The fight is on. Howard County holds first. If I lose Howard it will be heralded all over the State that the people have repudiated this doctrine. I have no money to hire newspapers. I mortgaged my office at Russellville two weeks ago to get money to make this canvass.

I have nothing to say against these distinguished gentlemen. Mr. Vandeventer will tell you that I have a carpet on the floor of my office. Every State official has that. He will tell you that I have a bed in my office. That I pay for myself. He will say that I have a comb and brush that cost \$2.50. That's all right. He will tell you that my office is a palace. The Legislature gave me \$45 to fit up that office. It was torn down and had an old dirty carpet on the floor. I had it repapered and the casings repainted. Out of my contingent fund I bought a new carpet and put it upon the floor. That's the property of the State. Isn't that awful?

### III.

#### HIS OPPONENTS AND STATE ISSUES.

I will give you his record. He talks fluently as a free silver man, but when Wm. J. Bryan was invited to address the Legislature he was Speaker and appointed a committee to solicit

funds to defray Mr. Bryan's expenses while attending to address that body. Mr. Charles Parker of Stephens, Ark., was on that committee. Each member of the Legislature assessed himself one dollar to pay these expenses. When Mr. Parker asked Mr. Vandeventer, the Speaker, for a dollar he said: "Damn that Bryan committee," and refused to pay anything at that time. This kicked up such a big row that he afterwards paid the dollar. He said at Clarksville that any one who said that he (Vandeventer) had said "Damn the Bryan committee" lied. He said at Hope that he did not say this at Clarksville. I hold in my hands the affidavit of Charles Parker that he did say "Damn the Bryan committee." I hold in my hands the written statement of the clerk of the court at Clarksville that he said there that whoever said that was a liar. I hold in my hands a letter from Mr. Vandeventer to Mr. Parker that he did not say this at Clarksville. Now, gentlemen, taking these facts as his record, who would pay any attention to anything that he would say?

Mr. Vandeventer will also tell you that I have not attended the Penitentiary Board meetings. They have been held in the private office of Governor Jones. Governor Jones does not speak to me. I told Mr. Sloan, the president, that as long as they met in Governor Jones's private office I would not be with them. When I fight a man upon principles I want to fight him beside the clear waters, under the blue sky, in open, noble combat. I don't want to get shot in the back. If I die I want to die with my face to the rising sun, with my windows open towards Jerusalem. As long as they hold meetings there I will not be present. The law does not require them to hold meetings there.

He will tell you that I don't attend the Old Confederate Soldier Board. The old Confederate soldier fund is in this State, say \$60,000, for illustration. You can not make it any more or less. You have to furnish proof before the clerk of your court as to how much you are worth and your disabilities. If you have less than \$300 worth of property you can share in this fund. If you have more than that you can not share in it. So, you make proof before the clerk and send the papers to Little Rock. After that, it is a mere matter of mathematical calculation. I went in and asked Mr. Sloan, the president of the board, if my clerk could not attend to it, and he said that he could, and he did. That's all there is to it.

I want to talk about the Bush Bill, a bill by which they propose to build a railway from Little Rock out into the zinc fields. That's a rich country and ought to have a railroad, but can you afford to pay the price? I hold this bill in my hands. I fought it in the Legislature. It is a measure by which they propose to build this road, and they are going to issue bonds for the purpose of taxing the people of Arkansas to build it.

Ah, but the friends of this measure say that the State is not liable for the payment of these bonds. Take the Acts of 1897 and look on page 96, at section 6, and see what it says: "The State board (the Auditor, Governor and Attorney General) created by this act, and their successors forever, shall constitute a body corporate with full power to sue and be sued." Read section 7 of the act. It says: "The State shall not be liable for any debt created by said board under the provisions of this act." If it stopped there there might be some sense to their contention. But it does not stop there. It says "but"—but what? It jerks you straight around in the road. "But all contracts of such corporation shall be forever inviolate." What does that mean? It means "forever incontestable."

They are to issue these bonds to build this railroad. How are they going to equip the road? They have got to get the money. How get it? Issue bonds and get it. Who is going to pay the bonds? Do you expect the board to pay them personally? But the friends of the measure say that the State does not have to pay them. But, in the name of common sense, who does? Men who have money usually have sense. Under the bill, they could issue an unlimited amount, as it is discretionary with the board. I was the first man to speak upon the subject in my speech at Eureka Springs for Attorney General.

The papers said that I was crazy; that the matter was dead. It is not true; it like to have passed the last Legislature in a more violent form. It lacked only one vote. They are going to build this road and issue bonds. Governor Jones told the Legislature that he was going to issue bonds payable in gold. He says now he didn't say that. Here is a telegram, which, if I had time to explain, would convince you that he did say so. Grover Cleveland was the only Democratic leader who wanted to issue bonds except Jones. There is his telegram to Mr. Vandeveenter. Mr. Vandeveenter read this telegram once, but never read it again. I have a certified

copy of the telegram with me. Mr. Vandeventer then went and got another written statement from the Governor, which he now reads. They are going to build the road and issue gold bonds, an unlimited amount of them. Is that right?

I submit this to you as a lawyer: If I had ten acres of land out there and want to hire a "nigger" to clear it, and tell you, Judge Bryant, as my agent to hire a "nigger," you tell him that you personally will not pay him, and you tell him that I, the owner and beneficiary of the contract, will not pay him. Do you think you could get a one-eyed "nigger" with half sense to do this work? But if you do, and he did it in a good and workman-like manner, would not I, the beneficiary of the contract, be held liable by any court or jury for the price of his labor? You know I would. So would the State, who got the benefit of the issuance of these bonds, be held liable for their payment. The man who wrote this bill was writing for future generations, because the bonds could not be made payable except thirty years hence, when he hoped to find some court that did not know what "any pool or trust" meant, but who would know that the State was bound for the payment of these bonds.

But they say that the roadbed shall be held responsible. Suppose bonds are issued in excess of the value of the roadbed and the roadbed when sold would not pay them. Who would have to pay the deficit? The State. How? By taxation.

How did they try to get an amendment to this bill passed by the last Legislature? A gentleman by the name of Festus Orestus Butt, member from Carroll County, was put in the chair. Look at section 7 of the original act. Butt in the chair and "but" in the act. The bill was tabled on a motion of Jim Head, of Little River County. All people who know anything about legislative matters know that the tabling of a bill means its death. Mr. Butt held that a two-thirds vote would take the bill off of the table. They tried to get that and failed. Mr. Herrn, a member from Sharp County, and the sharpest man in the House, got up and read Jefferson's Manual and said that only a majority vote was necessary to take the bill from the table, and he appealed from the decision of the chair. This meant that a bare majority could reverse the chair. To reverse the chair meant to take the bill off the table.

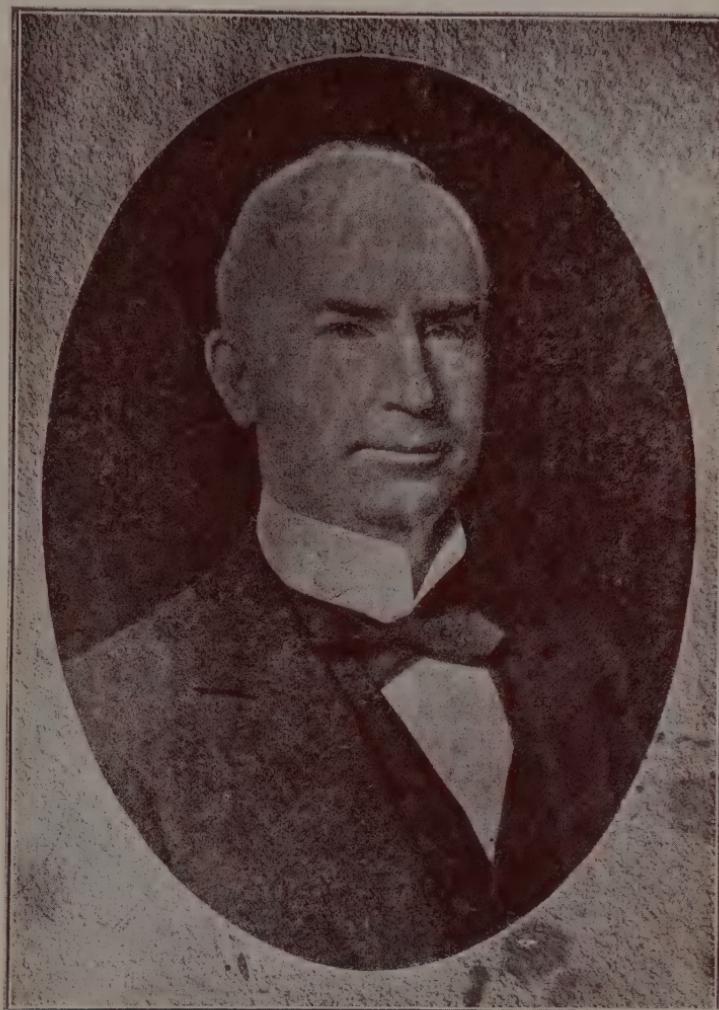
Festus Orestus, Presto, Change! Now you see it, and now you don't see it, like the shell game at a circus. But, thank

God, they didn't get a majority and the bill was defeated. Then what was the result? Why the distinguished Senator from Baxter, the distinguished member from Sharp and Mr. Vandeventer were appointed commissioners to build a million dollar Statehouse in Little Rock for the State of Arkansas at a salary of \$5 a day and mileage, but the Senate sat down upon those appointments. God bless the Senate.

I say to you that the building of this Statehouse under the present plan is the biggest steal that was ever attempted to be perpetrated upon the people of Arkansas. Not that the commissioners are going to steal anything, but the plan is a steal. How? They are going to abandon this property where the old Statehouse is, and they are going to tear down the property at the penitentiary. They are doing it right now. That costs you six or seven hundred thousand dollars. They had fifty thousand dollars in the treasury that arose from the sale of forfeited lands. When that is exhausted, the Legislature will have to take care of it. Ah, gentlemen, what's the remedy? They are going to tear down this property. I say that when you quit the present Statehouse it will revert to the Ashley heirs. Judge Cockrill said that it would not, but I doubt his opinion. He might change his opinion like Judge Rose did on the trust question. Therefore, I don't care to follow him. They will also have to build a new penitentiary at an enormous cost to the taxpayers. When I say "they" I mean Governor Jones and Hon. Alex C. Hull.

I did not start this row, but I am going to keep it up. They went out the other day on the Nineteenth Street Pike and bought fifteen acres of land upon which to build a new penitentiary. What did they give for it? Five thousand dollars. Fifteen acres of land! That land is so poor that two drunken men could not raise a difficulty upon it. It is so poor you could not raise an umbrella upon it. It is so poor you have to manure it to make brick out of it. They paid for it with the State's money—\$5,000. Is not this a nice mess? Ought I to show it to you? Will you, Judge Bryant and Colonel Fletcher, take sides upon that proposition? Why don't you do it before these people?

Now, gentlemen, what's the result? You have that Statehouse upon your hands. I don't object so much to building a Statehouse if we were able to; I object to the plan. What is that? The commissioners; they are getting salaries, clerk hire and everything. Why don't they let the contract to the lowest bidder and take a bond for its faithful performance?



**SENATOR JAMES P. CLARKE.**

Jeff Davis's Colleague in the United States Senate, and One of the State's Most Prominent Figures During the Last 20 Years.



Let the contractor build it at the lowest price, if you must have it. I think it best for the State to lose that \$50,000 for the present, at least, until we get able. The people are not able to have their taxes increased. You paid last year \$4.75 on the thousand. You will pay this year \$5.50 on the thousand. An increase, and yet they want to build a Statehouse and still further burden the people. Little Rock is interested in a crop of taxes—the bigger the crop the better.

I am not trying to array the country against Little Rock. There are many noble men and women living there; lots of them. God bless them. But there is a gang down there that needs cleaning out, and needs it awful bad. I would give ten years of my life in jail, if it were possible, to be Governor of the State of Arkansas two years to clean out some of the things down there; I will clean that gang so clean, if I am elected, that it will look like the Red River had run through it, and that's why they are after me.

What about my opponents? I have nothing to say about them. I have always been a Democrat. You can not make anything but a Democrat out of me. My distinguished opponent, Colonel Fletcher, says he is a good Democrat. Here is his speech delivered to the Wheelers in 1886, where he said: "Thank God, I was not born a Democrat." In 1884 he had just been defeated in a Democratic convention by Simon P. Hughes. In 1886 he was nominated by the Wheelers. He said to them, "Thank God, I was not born a Democrat." He said, "Politics makes strange bed-fellows." And it does. There's the situation. He said many noble things to the farmers in that speech that day, but actually he reneged on them the next day. This shows he is not a steadfast man. He said the next day, "I was mistaken, I am going back to the Democratic Party." You can whip me in this race, but I will be a better Democrat than I was before, and I will work for the nominee.

When the fight came up in 1886, the old ship of Democracy was in the toils. They could not have picked a stronger man than Colonel Fletcher to have manned the opposition, and they knew it. We were being assailed upon every side, our foes were firing upon us from every line. They picked one of the strongest men in the Democratic Party. We needed your help then, Colonel Fletcher. Ah, you deserted us then. You said, "Thank God, you was not born a Democrat." You may say in answer to this that you was born a Whig. I thank God that I was born a Democrat and I am a Democrat yet. I

have never camped in the camp of the enemy, even for one night. I was a Presidential Elector in 1886. I was a Presidential Elector in 1896. I retired from the ticket to give a Populist my place in order to effect harmony. This was at the request of Senator Jones and Mr. Bryan. I never accepted a Populist nomination. There are lots of good men in the Populist Party. Why don't you stick to them?

Ah, gentlemen, he says he is in favor of good roads. So am I. He says that he is in favor of an Arkansas University; so am I. He says he is in favor of charitable institutions; so am I. I am in favor of a just and equitable fellow-servant law; that there was an effort made to get me to construe the anti-trust law so as to embrace the laboring elements of the country. I did not do it, because labor is not a "thing" in the sense used in this act. I am for the protection of the weak. Be just to the strong; they will protect themselves.

And he says he is against trusts, and he would make it a felony for any officer of a corporation to issue more stock than the actual amount of capital paid in. Didn't you visit Governor Jones and ask that a special message be sent to the Legislature to modify or amend this trust law? He does not answer. He is the president of a National Bank, in the biggest trust on earth. How? They get bonds from the Government; they put up 10 per cent in money and get 90 per cent bonds and issue money. They get interest on the bonds and loan money to the people at 10 per cent; so the candle is burning at both ends. Gentlemen, didn't the National Banks, as a rule, help to defeat Mr. Bryan? Didn't Jefferson refuse to recharter them? Doesn't McKinley propose to turn the issuance of all the money of the country over to the National Banks? The money trust is the biggest trust on earth. He is the president of a National Bank. There is not a State in this Union that would dare to nominate as their leader the president of a National Bank, where party lines are closely drawn.

What does my silver-tongued friend, Judge Bryant, have to say in a speech delivered to a Yankee audience at Chicago in 1893? How many old Confederate soldiers are there here? Hold your hands up. (A great many hold up their hands.) God bless you; you are the sentinels upon the watch towers of Liberty. I love the old Confederate soldier. Most of them have already crossed the dark river and pitched their tents upon Fame's eternal camping ground. God bless you. No

man will bow with greater reverence to the old Confederate soldier than I.

What did Bryant say in Chicago? Here it is: The Chicago Tribune of June 11, 1893, said that it took ten minutes for the ladies to quit throwing bouquets at him. Speaking to a Yankee audience, what did he say: "I am conscious that I voice the sentiment of my people when, standing here in this presence, before my country and my God, as a son of the South, born on Southern soil, and drawing my humble lineage from Southern sires, with not a tie of kinship of personal interest north of the Mason & Dixon line, loving its memories, its traditions, and its history, cherishing the sad story of the 'Lost Cause' as a sacred and priceless heritage, and clinging as to the horns of an altar to a firm faith and belief in the sincerity and patriotic purposes of its leaders"—that is as pretty as anybody could say it; but this is only the sugar-coating for the pill he is going to give you now—"when in this presence, measuring my words, and knowing their full purport and extent, I declare that in the great strife of the sections, the victorious finger touch of God rested at last upon the banner of the Union." Ah, he says now in explanation that he is a patriot. He wants the Union preserved. So do I. What did he say at Bentonville at the Confederate reunion? That was quite another kind of audience. "We stand upon the arbitrament of the sword, fully, finally and completely, and with a growing consciousness that after all a Divine Providence, who watchfully kept the City of His Love, may have ordained it all for the best." Quite a different sentiment. God bless that sentiment. I can approve of it. If I come to you, my brother, and say to you, "You ought not to have had that difficulty with this man; you are wrong;" that's one thing. But when I come and say, "I don't regret that you got licked"—that's quite a different thing. He either regrets that we lost, or he is glad of it. There is no other legitimate conclusion.

Ah, gentlemen, the Arkansas Democrat advises that I be arrested and be put in jail. I have the editorial; it was the issue of January 31; here it is in part: "When the chief law officer of the State will denounce the Supreme Court and the Governor as Attorney General Davis has done, it is time to inquire whether there is any protection against such vituperation and billingsgate. Is there no remedy for this? Are the courts powerless to protect themselves?" This means that I should be arrested and be imprisoned for contempt of

court. This means the throttling of free speech. Ah, gentlemen, the man whose historic name I bear was once indicted by a picked grand jury for that purpose, put in irons and thrown in jail for his construction of the Constitution of the United States. He always pleaded for a trial. So if I should be arrested, I would be entitled to a hearing in the courts in my defense. This could not be denied me. Will it be done?

When I was nominated Attorney General the Arkansas Gazette of June 22, 1898, said this: "Hon. Jeff Davis, of Russellville, Pope County, who was yesterday nominated Attorney General of Arkansas, is a successful lawyer and developed sprinting qualities in his recent campaign which indicate incomparable energy and magnetic qualities. He is a native of Arkansas, and his every interest is centered in this State. He was born in the lap of poverty, but his indomitable will and ambition pushed him forward and upward.

"Circumscribed by circumstances which would have daunted a less energetic young man, he toiled without cessation and worked his way with distinguished honors through the A. I. U. From October 30, 1890, to October 31, 1894, he was prosecuting attorney of the Fifth District and served his people with credit and distinction. He is an orator of fine qualities, well qualified in the law to fill the position to which he aspired so successfully, and in every particular eminently fitted for the office."

Why such a change of heart? My prosecution of the Trusts. My distinguished friend, Judge Bryant, has been in the State about sixteen years. He held office eight years, and has been running most of the other eight. He struck the State running, and has been running ever since. Colonel Fletcher has been running for Governor ever since I can recollect.

Now, gentlemen, the question is this: "Shall the people rule?" Are you in earnest about it? Judge Bryant was born with a silver spoon in his mouth. I don't say that to his disparagement—he could not help it. I was born over here in the swamps of Red River Valley, where the ladies had to wear boots when it was muddy.

All that I am, all that I have, all that I expect to be is centered in Arkansas. It is the land of my nativity.

Judge Bryant said he was a patriot; he is glad the Union is preserved. If Judge Bryant is glad we got licked let me tell you the legitimate deduction. How far is it from Richmond, Va., to Washington, D. C.? One hundred and sixteen

miles. How long did it take the North to march from Washington to Richmond? Four long years. Every inch of the way was strewn with blood. He said that he didn't regret that our old flag trailed in the dust; he did not regret that we lost. I do; but it may have been for the best, just as he said at Bentonville. You will never get me to say that I don't regret it. God bless you, I am not built that way. Now, what shall the people do? Let them choose between the men; that is a fair and square statement of the proposition.

Gentlemen, I may never see you again. I hope that I will hold out physically in this race, if God will only give me strength. That is all I ask. When you present a thing to the people and they see it they will always do right. I love my native State; I love its hills and its valleys; I love its bright waters. From the health-giving waters of Eureka Springs on the north to the great Father of Waters on the east that finally loses itself in the tepid waters of the Gulf, from the pine lands and prairies upon our west to our eastern borders, all up and down the hills and valleys of Arkansas there lives as noble, as brave, as generous, as gentle a race of people as ever sunned themselves in the smile of Omnipotent God. The papers say that nobody will vote for me except the fellow who wears patched breeches and one gallus and lives up the forks of the creek, and don't pay anything except his poll tax. I don't know how true that is, but I want to tell you that there is no great reformation that originated on the earth that did not come from the ranks of the humble and lowly of the land. Jesus Christ, when he went out and started the greatest reformation that ever blessed mankind, went to the humble and lowly. He went to the fisherman's cot, to the stone-cutter's bench. He did not have but one smart man in the crowd, and he had to knock the filling out of him in the sand before he could use him.

Do with this race as you see proper; act upon it wisely, act upon it well. But when you vote, vote intelligently. The fight is on. It is between the trusts and the corporations and the people. If I win this race I have got to win it from 525 insurance agents scattered all over the State. I have to win it from every railroad, every bank and two-thirds of the lawyers and most of the big politicians. But if I can get the plain people of the country to help me, God bless you, we will clean the thing out. Do you mean it? Are you in earnest? If so, help me.

As I say, all that I am, all that I expect to be, I commit into your hands and into your keeping, knowing that if I deserve your confidence I will receive it. If I do not merit it you will withhold it. Gentlemen, I thank you.

#### ADDENDUM.

Gentlemen and Fellow-Citizens:

After making the above speech, on the next day, the 13th day of February, at Nashville, in Howard County, I submitted to Colonel Fletcher and Judge Bryant this proposition: If the Legislature at its next session should pass an anti-trust law shutting trusts and combines out of the State, if you were elected Governor would you sign it? They refused to answer it, and refuse to answer now, which is borne out by the following certificate of the chairman of the meeting at Nashville, which is as follows:

Nashville, Ark., February 13, 1900.

I, J. S. Compere, state that I was chairman of this meeting at this place when Colonel Fletcher, Judge Bryant, Hon. A. F. Vandeventer and Jeff Davis spoke. I heard Mr. Davis ask in his speech publicly to Judge Bryant and Colonel Fletcher "If the next Legislature should pass and prepare a bill shutting trusts and combines out of Arkansas, if you were elected Governor, would you sign it?" and neither of them answered this question.

(Signed) J. S. Compere.

I have just discovered a letter which Judge Bryant has written to James E. Hogue, of Hot Springs (and I presume all over the State). In it the following statement is made. I read it in my speech in his presence at Arkadelphia the 14th day of February, and he does not deny it. The statement is this: "Davis is the man to beat, say what you will about him. He has a large following in the back townships and is using methods that appeal to the prejudices of the masses." This, gentlemen, shows the cloven hoof. This shows the conspiracy. This shows where the fight really is.

## CHAPTER V

### GOVERNOR DAVIS'S SPEECH AT EUREKA SPRINGS.

#### I.

##### DAVIS vs. Wood.

Soon after opening the campaign of 1903, for a second term, with Associate Justice Carroll D. Wood opposing him, Governor Davis delivered a speech at Eureka Springs, in which he said:

But Judge Wood says, "What have you done for Arkansas since you have been Governor?" My fellow-citizens, it is not so much what I have done as what I have kept the other fellow from doing. If you had a Miss Nancy, a man without a backbone, as Governor of your State, that gang down there in Little Rock would run over him in a week. He asked what have I done for Arkansas. You have done much for me. The State in which I was born, where my wife and children were born, and where I hope to be buried, has done more for me than I ever can repay; but I want to tell you some of the things that I have done.

When I went in as your Governor, you had no building for the deaf-mute school, it having burned down during Governor Jones's administration. I asked the Legislature of 1901 to make an appropriation to rebuild these buildings, equip them thoroughly and completely, and that I would provide for the money and that, too, by taxation not upon the common people of the State. The Legislature took me at my word. They passed an appropriation of \$80,000 to rebuild these buildings, and today we have the most complete and perfect Deaf-Mute Institute with more than 200 students, cared for kindly and tenderly by the State, with all its expense of transportation and living provided without taxing the people.

How did I pay for this, my fellow-citizens? During my first term as Governor, I introduced a resolution before the board that assesses the railroads of the State for taxation. I got it passed, raising the assessment on the railroads of this State about \$5,000,000 in excess of anything that had ever been assessed against them before. Multiply this \$5,000,000 by \$1.75 per thousand, which is the ordinary amount of taxes in this State for State, county, city and school purposes, and you have more than \$80,000, the amount neces-

sary to build and equip the Deaf-Mute Institute, all paid for by the railroads. And at the last meeting of this board for assessment of railroad property I raised the assessment on the railroads again \$1,200,000 more than during my first term. This brings into the State about \$100,000 in actual cash, making nearly \$300,000 in cash that has been collected and that will be collected in taxes from the railroads more than any Governor of Arkansas ever collected from them.

Do you wonder that the railroads are against me? I saw Judge Wood and Col. Ben Davidson, the general attorney for the Frisco system, with their heads together consulting the other day just like two old summer coons. Do you wonder that Sam Wilson, the detective for the Iron Mountain railroad, is traveling over Arkansas to elect a man against me and declaring to the people of this State that I would be defeated for Governor?

My fellow-citizens, there is method in their madness. They know that the corporations do not pay their just proportion of taxes. When I went into office the Cotton Belt, Kansas City Southern, Frisco and Iron Mountain railroads were assessed at about \$4,000 per mile. Now they are assessed at \$17,500 per mile. Is this unjust? I say no. Every year the railroads are required to file a sworn statement from the auditor of each road with the Railroad Commission of this State showing how much it costs per mile to build and equip their roads. The Cotton Belt road last year—and it is true of the others in like proportion—swore before the Railroad Commission that it cost them \$84,000 per mile to build and equip their road. They put this high assessment upon it in order to justify a high freight rate on the merchants and planters of this State.

Gentlemen and fellow-citizens, what is sauce for the goose is sauce for the gander. If they can put this high valuation upon their road in order to justify the high freight rate, should they not be fairly taxed as other citizens are taxed? Is \$17,500 per mile unjust? Ladies and gentlemen, you need not worry about the railroads and other corporations. Your representatives need not lose any sleep fearing that they will not get their rights in this country; they would better protect the man who has the short end of the hand-stick, lifting the burdens of life; the railroads will take care of themselves.

But it is said, my fellow-citizens, by my enemies, that I pardoned too many people. That may be true, I don't know,

but I do know this, that I pardoned *people* while Judge Wood pardoned the *railroads*. Let me for a moment give you his railroad record.

In 1894 ■ man by the name of Tomlinson was killed at the Union Depot in the city of Little Rock. He left a wife and an infant baby boy in her arms nursing at her breast. Cockrill & Cockrill, of Little Rock, brought suit against the Iron Mountain railroad in favor of this little woman and her child for damages for the killing of the husband and father. They recovered judgment for \$20,000 in the Saline Circuit Court; the railroad company took an appeal to the Supreme Court, and there the case lay for more than three years, and upon technical grounds it was reversed and sent back for another trial. The railroad company took a change of venue and another trial was had, and a second judgment for \$20,000 was obtained, and the railroad company again appealed to the Supreme Court, and there the case is resting today, undecided, undisposed of.

Why don't you go home, Judge Wood, and try this case? Why don't you give this little woman a judgment, if she is entitled to it? Why this delay? The boy that was left an infant in its mother's arms when its father was killed is now ten years old. This little woman, if she was entitled to anything from the railroad company, ought to have had it when she was struggling to support this infant child. Judge, if you don't soon decide this case, this little boy, Tomlinson's little baby son, will be old enough to vote for me to beat you for Governor.

My fellow-citizens, the Supreme Court is now more than three years behind with its work; they have on hand 2,617 cases on the docket; they decide on an average 365 cases ■ year; at this rate it would take them eight years to decide the last fellow's case on the present docket. They are so far behind on their work that the last Legislature provided for the submission of a constitutional amendment by which an extra judge could be appointed to help them out with their work, and I want to tell you, my fellow-citizens, how hard they work. These judges are an awfully overworked set of fellows. They come down to their offices about 10 in the morning, leave at noon, come back at 2 and leave at 4. Judge, you must be worked to death, to stand such a constant strain. Upon what meat do you feed, Judge Wood, that you are enabled to do such heavy work?

Ah, gentlemen, I could take one good lawyer and put him on the records of the court and decide every case that they have on hand correctly and properly in twelve months. Yet Judge Wood is out running for Governor, absolutely neglecting his official business (no one can decide a case for him), asking you to vote for him when he is thus derelict in his duty. Why doesn't he resign his judgeship if he thinks he can be Governor? He answers that he don't want me to appoint his successor; that I am not worthy to appoint. I think anybody could appoint a successor to Judge Wood on the Supreme Bench. He claims to be a profound lawyer, yet he never attended a law school in his life, he never had a legal education, yet he tells you that I am unworthy to appoint his successor, and he is holding to his office while he is running for Governor.

Ladies and gentlemen, I now come to a question in Judge Wood's life, in his official career, that is unequaled, that has no parallel in Arkansas politics. He served as circuit judge from 1887 for six years. Ashley and Drew, two large Democratic, two large white counties, were in the judicial district. At each term of the court while he served as judge he appointed three men as jury commissioners to select the petit and grand juries for the next term. Whom do you think he selected as jury commissioners to do this work? He selected two white men and one negro at every term of the court.

Did you ever hear of such a thing in Arkansas before? Would the circuit judge of your district do such a thing? My fellow-citizens, the statute of this State does not require that the jury commissioners be even selected from opposite political parties, and no one would presume that a white man, born and raised in the South, would select a negro as a jury commissioner to select a jury for the country, to pass upon the right of white people in the civil and criminal courts of the country. But Judge Wood did this; he does not deny it. I have in my possession a certified copy of the records of the court under the official seal of the clerk of Ashley and Drew counties showing that he did this. His only excuse that he made today for his outrageous conduct was that he did it in order to secure the negro vote for circuit judge. My fellow-citizens, if he would do this to secure the negro vote for circuit judge, what would he do to be elected Governor of Arkansas? If he would give negroes this recognition to get their vote for circuit judge, what recognition would he give them if he were Governor?

My fellow-citizens, he trails in the dust, the dirt and the mire, according to his own confession, the judicial ermine in order to procure votes for office, and these were the nigger votes that he sought. This same mantle he now wears as judge of the Supreme Court. He says he should not be criticized now; I say to you that he is trailing his mantle in the dust, not to get votes as Supreme Judge, perhaps, but to get the influence of the corporations, the railroads, the pools and combines of this country. Am I not justified in making this harsh criticism of his record which I have shown you before?

My fellow-citizens, the negro question is the biggest question now confronting the American people. Teddy Roosevelt is trying to force it upon us, is trying to force negro equality in the South. Roosevelt only wanted to eat with negroes; Judge Wood appointed them as jury commissioners and on the juries of the country. How would you, my fellow-citizen, like to sit on a jury with a negro? His campaign manager, George Pugh, has forgotten that at one term of the court in Ashley County Wood forced his father, Colonel Pugh, of Hamburg, to serve with a nigger as jury commissioner.

Do you know what the qualifications of jury commissioners are? The statute says that they shall be men of good judgment, reasonable information and approved integrity. We do not have any negroes like that in my country; we do not have any negroes possessing these qualifications where I live. Do you in your county?

We will imagine for a moment that Judge Wood is calling up three gentlemen who are to serve as jury commissioners at a term of court. He calls up two white men and swears them, according to these qualifications; then he calls up a big, thick-lipped, kinky-headed negro, Sambo Jones, saying to him, "Come around here and be sworn as jury commissioner in this honorable court for the next term. Sambo, are you a man of good judgment?"

"Oh, yas, boss; I'se got good jedgment. My jedgment nevah is questioned. I'se got the best jedgment of any nigger in this country."

"Well, Sambo, have you reasonable information?"

"Oh, yas, Jedge; I'se got good information; I knows where all the hogs is in the bottom, and I knows where all the de corneribs is that has no locks on 'em. Jedge, I knows where all the hen roosts is; dat am a fac', and I is a nigger of fine inflammation."

"Well, Sambo, what about your integrity?"

"Oh, yas, Jedge; I pleads guilty dat I'se got 'tegrity. My 'tegrity nevah is done been questioned. Now, of cose, Jedge, my hand-jest fits a hog's ear, but, Jedge, I is a nigger of good 'tegrity; I doesn't shoot any craps; doesn't do nothing that a nigger oughtn't to do; I is a nigger of the most perfect 'tegrity in dis country."

Ah, my fellow-citizens, imagine a judge appointing such a character as this as a jury commissioner. But, in justification of this, he says I appointed two negroes as justices of the peace since I have been in office, in Chicot County.

I want to say to you that I never in my life *knowingly* appointed a negro to any office. I find upon examination in my office that my private secretary in my absence signed a commission for a negro in Chicot County as justice of the peace, who had been elected but had failed to be sworn in, and the sheriff and the clerk of that county asked that a commission be issued to him inasmuch as he had been elected. This was done without my knowledge. Of course, I am responsible for the action of my private secretary, but I say to you, ladies and gentlemen, that when I went into office as Governor that I announced this rule, and have never knowingly violated it: that no man could be appointed to office under my administration unless he was a white man, a Democrat and a Jeff Davis man. These have been the qualifications and the requirements for appointments in my administration. Judge Wood's action in appointing these negroes on a jury was deliberate and wilful; not once or twice, but at every term of the court. He says that he did it in order to get rid of the carpet-baggers in that country. I call your attention, my fellow-citizens, to the fact that there were no carpet-baggers in this State in 1887; we ousted the carpet-baggers for forcing negroes on us, the very thing that Judge Wood is doing, and I do not imagine that a negro would smell any sweeter to a white man or be any more preferable if appointed by Judge Wood than a carpet-bagger. His action in this matter is without parallel.

Neither his predecessor nor the judges that followed him ever appointed a negro in these counties, and when he tells the people that he appointed negroes in order to get rid of carpet-baggers he must know that Judge Sorrells, a Democrat, had served two terms as judge before him, that an independent Democrat had run against Judge Sorrells at the time of his last election, and that under these inviting circum-

stances to the Republicans they could not and did not elect a Republican, or carpet-bagger, as Judge Wood would say. Ashley nor Drew County had for years had Republican officials, and there were no carpet-baggers in office there at that time. Judge Wood appointed the negro for his own political benefit, if anybody's. The party conditions at that time will not excuse it.

### III.

#### HIS PARDON RECORD.

But, they say I pardon too many people. I don't know, gentlemen; I may have pardoned too many. Judge Wood will tell you that since I have been in office I have pardoned more than seven hundred men, and by this statement he would have you believe that I pardoned that many out of the penitentiary. This is not true; about half this number I have pardoned and restored to citizenship; that is, when a convict conducts himself properly and shows that he is ready to go out in life and take up its tangled thread where he left off and is ready to make a good citizen, it is the policy of the State just before his term expires to restore his citizenship, to give back to him that which he has lost, to enable him to start out in life again, to give him another chance, and about half the pardons I have granted have been like this; one-fourth has been straight out of the penitentiary.

But, gentlemen, the newspapers do not tell you of more than seven hundred applications for pardon that I have refused. I have with me a list of these I have refused to pardon. The newspapers would not publish this list; they have no room to print the truth, but worlds of space to slander and abuse me. Gentlemen and fellow-citizens of Carroll County, I never pardon a man unless the people of the county in which the offense was committed ask me to do it. I never pardon a man unless the best citizens in the county send me a petition. I can not know the facts of every case; I am supposed to be governed by what the citizens of the community know about it, and if an offense is committed in the good county of Carroll, and I received a petition asking me to pardon the offender, signed by the best people of your county, can not I presume that you are honest? Can not I presume that you are telling me the truth? Ought you to ask me to pardon a man that you think should not be pardoned? Don't you think you ought to treat me fairly? Don't you think you

ought to treat me honest? Gentlemen, deal fairly with me; do not ask me to pardon a man if you do not think it is right for me to pardon him, and when you see a petition is brought to you that you do not think is right do not sign it.

Judge Wood says that I pardoned a man by the name of Simmons in Jackson County wrongfully for selling whiskey. This case has been settled for two years; it has gone through two campaigns, since which I have carried Jackson County by overwhelming majorities. The town of Newport and the township in which the defendant lives have both gone for me. These are local matters, and if the people of Jackson County are satisfied with my action in the Simmons matter, how does it concern the people of Carroll County and the State of Arkansas at large?

Here is the petition upon which I pardoned Simmons. It contains nearly five hundred names of the best people in Jackson County. At Fayetteville, the other day, Judge Wood said he would give me \$10 if I would let him have the petition to keep over night so that he might see if there were some negroes on the petition. My dear Judge, you are very much interested in negroes. I would have given him the petition for nothing, it is a public record, and he is entitled to it, but he kept bluffing at me, and I made him give me the ten dollars. I took it over to Goshen, a little village in Washington County, and gave it to a poor Methodist preacher, and I want to say to you now, Judge, that if you do not stop your bluffing I am going to bust you or build up every little preacher in this country.

But they say that I pardoned a negro—Pomp Brown, of Conway—for assaulting a white girl. Gentlemen, I am a Southern man, imbibing all the traditions and sentiments of the Southern people, and you know full well that I had good reasons for so doing. In our country when we have no doubt about a negro's guilt we do not give him a trial; we mob him, and that ends it; and I want to say to you, my fellow-citizens, of Carroll County, that the mere fact that this negro got a trial is evidence that there was some doubt of his guilt. He ~~was~~ tried before a jury at Morrilton; public excitement was high; he was given fifteen years in the penitentiary and served five. The judge who tried him, Judge J. G. Wallace, now living at Russellville, in this State, wrote me a letter shortly after I went in as Governor, telling me that he had doubts about this negro's guilt, and begging me to pardon him. The prosecuting attorney, at that time, Hon. C. C.

Reid, of Morrilton, now Congressman of that district, wrote me a letter, saying that the negro was not guilty and insisting upon his pardon. These two letters were accompanied by a lengthy petition, signed by such men as R. A. Dowdle, W. W. Mayo, O. T. Bentley, J. G. Hanniford, E. O. Hamon, W. J. Stowers, W. M. Riddick, brother of the Supreme Judge, and a number of the most prominent men in Morrilton, telling me that this negro was not guilty and asking that I pardon him. What else could I do, my fellow-citizens, with such a showing?

Recently Judge Wood and Mr. Vandeventer hatched up an affidavit purporting to be from the young lady's father, but this affidavit was only procured on the 17th of last month, if indeed they have an affidavit that is genuine and *bona fide*. It was procured for political purposes. More than two years have elapsed since this pardon was granted; it was never spoken of until this campaign. The opposition is growing desperate and must find something that they think will damage me in my race. But, my fellow-citizens, I have a copy of the sworn statement of the father of the young lady, given to me on the 24th day of October, which is self-explanatory and which I think ought to settle this question.

#### IV.

##### ANTI-TRUST.

If you will remember I was elected your Attorney General in 1899, and during the session of the Legislature of that year what is now commonly known as the Rector Anti-Trust Law was passed. This law immediately after its passage became famous, not only in Arkansas but in the South and the West as well, because of the construction which I, as your Attorney General, placed upon it.

Shortly after this act was passed the trust agents of this and other States called upon me to know what construction, what meaning I would place upon this act. I construed it, my fellow-citizens, the only way I could construe it; I can understand the English language. I could not construe it except what the plain English of it meant.

My distinguished opponent, Judge Carroll D. Wood, will tell you, and has told the people of this State, that an ordinary man can not understand the Anti-Trust Law; that it takes a man with trained mind, or that it takes a lawyer to understand it. My fellow-citizens, I say to you that the hum-

blest, the most uneducated sun-burned son of toil can understand the plain wording of this plain statute. Get the acts of 1899 and read for yourself and see if you do not understand it. The statute in question reads as follows:

“Any corporation organized either in this State or any other State, or in any other country and transacting any kind of business in Arkansas, that shall become a member of any pool or trust, shall be subject to the penalties of this act and be fined in any sum not less than \$200 nor more than \$500 for each day they violate this law.”

Is this statute easy of comprehension, my fellow-citizens? Can not any of you understand it? Do you need a lawyer to construe it for you? Listen to the statute again: “Any corporation”—how many does that mean, my fellow-citizens? Does it not include them all?—“that shall organize either in this State”—it is broader than that—“or in any other State or in any other country”—does not that include every corporation on the face of the earth?—“that shall become a member of any pool or trust, shall be subject to the penalties of this act.”

I told the trust agents, in construing this statute, that it means that no corporation, no matter where organized, whether in Hong Kong, China, or New Jersey, the home of the trusts, that if this same corporation was a member of a pool or a trust, that it could not come to Arkansas to do business without violating this statute. This construction caused consternation in the ranks of the enemy. They immediately assembled in Little Rock, more than five thousand men, had what they pleased to term a “business men’s meeting,” at Glenwood Park, in the city of Little Rock. The trust agents were there, the trust heelers were there, more than 5,000 of them. They said they were the business men of the country, but, my friends, I have a different definition for business men. The farmer at his plow is a business man, the blacksmith at his anvil is a business man, the carpenter in his shop is a business man, the railroad employee at his hazardous task is a business man, the lawyer with his client, the minister in the pulpit, the merchant behind his counter, are all business men. We are all united by a community of interests binding us together, that comes down to us from the great White Throne of God himself. We are all business men.



**BEN L. GRIFFIN.**

Former State Secretary of the Farmers' Union Who Senator Davis Styled  
as a "Red-Headed, Sly Old Fox."



## CHAPTER VI

### GOVERNOR DAVIS'S SPEECH AT BENTONVILLE, 1905.

#### I.

##### DAVIS VS. BERRY.

The keynote speech of Governor Davis's first campaign for the Senate was made at Bentonville, December 2, 1905, in joint debate with Senator James H. Berry. Among other things he said:

Gentlemen and Fellow-Citizens:

I am proud to speak today to such a magnificent audience of the representative citizenship of Benton County. It is always a pleasure to me to address the good people of this county, and I would make almost any personal sacrifice to meet with and speak to your people. I have never asked a gift at the hands of the people of my State which has not been cheerfully and freely accorded me; and I come to you today with the highest ambition of my life—the capstone of my political career. I ask you for the highest office in your gift—to be the Senator from my native State, an office for which I have longed since I was a boy. If the people of this State believe that I will make them a good and faithful officer in that position, I ask your suffrage and support; if not, then it is your duty as good citizens to support my adversary.

I had thought until recently that I would not have active opposition in this race. Senator Berry announced in the beginning of this campaign that his throat was so sore, and his health so much impaired, that he would not make an active campaign, and that his financial condition would not permit him to do so. I had credited the Senator with entire sincerity until I picked up a copy of the Boone Banner, published at Harrison, in Boone County, on November 8, in which Senator Berry announces a list of appointments, beginning at Mountain Home, in Baxter County, on the 22d of November, and concluding I do not know when.

Mr. Chairman and friends, I have invited Senator Berry to be here today, and am glad that he has accepted. This is his home, and if there is any place in Arkansas where he could afford to meet me in joint debate it is certainly in his home town. I think Senator Berry owes it to the people of this State, and especially to the people of this entire county

and the other counties of his old judicial district, to meet me at other points, rather than at Bentonville, where he is surrounded by his friends and partisans; but he has chosen rather to fix this list of appointments, taking up the back trail, as it were, coming in behind me, speaking where I have spoken, declining to meet me in joint debate after I had written him inviting him to meet me at all of my appointments, and not showing to the people of this State that courtesy and consideration which he has shown in former campaigns.

He met Governor Fishback in joint debate; he met Governor Jones in joint debate; he did the people of this State the courtesy to discuss the issues in those campaigns with his opponents; but he says now that the joint campaigns are quite out of order; that his throat will not permit him; that the doctors have advised him not to engage in *joint* debate; that his financial condition will not permit him to engage in *joint* discussion; yet I say that he is following in my footsteps and will not meet me. Just why, I am at a loss to know, because I believe, my fellow-citizens, that any man who has won his laurels, as Senator Berry says he has, 'mid shot and shell, on the forum, on the political hustings, can afford to show the people of this State the consideration that is due them, and that he meet me, his opponent, a mere "young man," in joint debate and allow you to say who shall be elevated to this high office.

A letter floated into my room while here today, written by the Senator from Warren on November 9, in which he says it is raining down there, and that he will not have much of a crowd; in which he says that I am to speak at Bentonville on the 2d of December, and that he is seriously considering meeting me there, and he asked the gentleman to whom he wrote this letter to give him his most candid judgment as to whether or not he should meet me in joint debate in his own town. Gentlemen, I am not here today to abuse Senator Berry. If any man has come here to listen at me do this he will have to go away disappointed; I will not do so; I like Senator Berry; he is a good old man; but you must remember that every Democratic Senator that you have had from this State, save and except one, has gone through the Governor's office. Senator Berry was your Governor; Senator Clarke was your Governor; Senator Garland was your Governor, and every Senator that you have ever had, save Senator Jones, was your Governor. You will also remember, my friends, that Senator Berry has held this office for twenty

years; that he has been constantly in office since 1866; that when his present term as Senator expires he will have held this office for twenty-two years; certainly, then, he has acquired all the honor there is in the office. He will have drawn \$110,000 in salary when his term expires, yet he is too financially embarrassed in the beginning of this campaign to make a joint debate, but he is now seriously considering the propriety of meeting his opponent in joint debate at Bentonville.

Ah, my friends, I have never credited the Senator with insincerity until this campaign. You will also remember that the State Convention, which met at Hot Springs last June, passed a resolution that the Senator from this State should be elected by a popular vote. Senator Berry has always demanded this; has apparently wanted this. This declaration of the Democratic Party is a part of its platform. Senator Berry was a delegate to this convention from Benton County. This resolution, demanding that the people of this State should vote on this race as a whole, was submitted to the committee on platform. It was discussed in open meeting; every one knew what the report of the committee would be; Senator Berry knew it; every delegate from Benton County knew it, and that was, that county lines should be wiped out and that the people of the entire State should vote on this question, and that the candidate receiving the highest number of votes throughout the State should be declared the Democratic nominee for this office, and that *the vote of the people should bind the Democratic State Senators and Representatives* in this matter. However, when this resolution came up for adoption, Senator Berry and the entire delegation from Benton were absent. He explains his absence by saying that a little child, his relative, had become seriously hurt at Bentonville, and that he had a telegram to come home (I do not suppose the relatives of every delegate from Benton County were in this condition.) He says that he left the convention on this account, and that he hastened home; yet I find that he stopped at Little Rock a whole day and gave out interviews to the papers and congratulated his friends on his success in being one of the "Big Four" to the National Convention. I find that he went to Fort Smith the next day and gave out another interview about his wonderful success, and that he did not reach Bentonville until the third day after he left Hot Springs.

My friends, I thought that the absence of the entire Benton County delegation, including Senator Berry, when this resolution was adopted, submitting to the Democratic voters of this State the senatorial race, meant something, and I have continually prodded the Senator ever since to say publicly whether or not he would be bound by this resolution, but up to this good day he has not replied, and I warn my friends now that the only hope the opposition have to defeat me in this race is to elect a Legislature so unfriendly to my cause that they will disregard the mandates of the Democratic Party of this State. Some of the opposition are so bitter that they would even elect a Republican Legislature in order to defeat me, and I wonder if this old stage-horse of Democracy, who has been honored so long, would accept an office contrary to the overwhelmingly expressed will of the Democracy of this State. He seems to be playing to this sentiment; he seems to be wanting to get in in violation of this rule; otherwise, he would have expressed himself; he would have told the people of this State, as I tell you now, that if Senator Berry receives the highest number of votes cast at the Democratic primary, he shall have the office. Will he say as much? Can I induce him to say as much? Perhaps he had better consult his friends in another city, to whom he wrote this letter, as to whether or not he should meet me at Bentonville in joint debate today. I have invited Senator Berry, as I say, to meet me at all my appointments, but I can not compel him to come, and in his absence I can only lay out the lines of debate as I myself may suggest. I wish he would meet me, because it would be more profitable to the people and more pleasant to me to have these issues fought out in joint campaign instead of the Senator, who claims to have won his laurels in joint debate, trailing in my footsteps and declining to meet me.

Ladies and gentlemen, I know of no better way to proceed with this discussion than to compare records with him; I tell you of some of the things that I have done since I have been your Governor, to tell you what Senator Berry did while he was your Governor; what he has done since he has been your Senator, and what I hope to do if I am elected to this high office. You will remember, my friends, when I was chosen Governor, five years ago, almost the entire press of the State said that if Jeff Davis was elected Governor the State would go to the bad; the State would go to the bow-wows; that it would be ruined. Now, let us see if this prediction has proven

true; let us see if this statement can be borne out by the records; let the books be opened; let the records speak.

My fellow-citizens, when I became your Governor, five years ago, how much was the State of Arkansas indebted? How much did you owe in valid outstanding indebtedness? You owed \$64,000. How much do you owe today? Ah, my fellow-citizens, I am proud to say to you that you do not owe one dollar; that you do not owe one penny; that the entire debt of the State, during my administration, has been wiped out. This has been my highest aspiration; it has been one of my highest ambitions, that when I leave the Governor's office I shall leave my State absolutely free from indebtedness. But, you may say, Governor, how much money have you in the State treasury? Gentlemen, I want to say to you today that we have in the State treasury, in money and securities convertible into cash, \$3,855,000.

But you say, Governor, this is Populism, that it is rot. I do not know whether there are any Populists here today, and I do not care. I used to hate the Populists worse than any man in the State. I used to fight them. In 1888 I was chosen by the Democracy of this State, a freckle-faced, red-headed boy, ■■ one of their presidential electors, and nothing gave me more pleasure than to fight the Pops of our State. You will remember, my fellow-citizens, that in 1888 Grover Cleveland tried to turn over to the goldbugs the Government of the United States and that 30,000 true and brave souls in this State rebelled and established the Populist Party. You will also remember that in 1896, when we nominated the grandest and truest man the world ever knew—William Jennings Bryan—for President, we stole all the Populists had; we stole their platform, we stole their candidate, we stole them out lock, stock and barrel, and today these same men have come back into the Democratic Party and are voting the Democratic ticket as bravely and loyally as any men that ever cast ■■ honest ballot.

Populists—why, I used to hate them; but I did not know as much then as I do now; I did not have as much sense then ■■ I have now. These old Populists twenty years ago saw what we are seeing today. Bryan today is advocating just what the Populists advocated twenty years ago; that is, the public ownership of public franchises; and I say to you, as Mr. Bryan says, that if this Government does not soon own public franchises, if it does not soon own public carriers, that the public carriers will own this Government. I came very

nearly getting mixed up with "Cyclone" Davis one time, the Populist leader of Texas. I had been invited to make a speech in Batesville in 1888 while I was a mere boy. They telegraphed for "Cyclone," who was in St. Louis. When I discovered this, I was almost scared to death, knowing what a mighty man he was, but the old Pops received a wire from him saying that he could not come. Some one had slipped into his room the night before and stolen his pants and his money, and the train left so early that he could not get out and get more, and I have thanked God ever since that "Cyclone" lost his breeches.

Ah, my fellow-citizens, this old Populist Party advocated some of the grandest doctrines that the world ever knew. Among them was this: that you could legislate prosperity into a country. I used to believe that this was a fool idea, but I had not been tangled up with the Arkansas Legislature as I have since. I thought at that time you might as well say that a man could take himself by his boot-straps and lift himself over the fence. In a town where he was preaching, Sam Jones once found this sign, "Vote as you pray." In his sermon that night he said: "Yes, brethren and sisters, vote as you pray, but be careful that you have no foolish praying around the house;" and I say to you here that you can legislate prosperity into a country if you have the right kind of men to do the legislating.

You remember the Hatch Bill. You remember that about fifteen years ago a fellow by the name of Hatch broke into Congress of the United States. The other fellows looked at him in perfect amazement and said: "Old Hayseed, why are you here?" He said: "I came from a Democratic county in Missouri and I am loaded." Loaded with what? "Loaded with a bill to prevent the gamblers from gambling in the products of the soil of the Southland."

Ah, my fellow-citizens, whether you be growers of corn, wheat, hogs or cotton, do you control the price of your products? I say no. Who does control it? Not the merchant, because he gives you only prices quoted in the market. Who controls these quotations? Not you, nor the merchant. You growers of the products of the soil are as helpless as an unborn babe; you do not control the prices of your hogs, your wheat, your corn, your cotton. Who does control it, then, you say, Governor? I will tell you. There is a crowd of gamblers in New York City, called the Board of Exchange, that controls these prices. Did any of you ever visit the

Board of Exchange in New York? I presume not. I was there about two years ago. I visited New York with Governor Clarke to try a lawsuit, and while there we visited this gambling house. You say, Governor, you should not call it a gambling house; it is a Board of Exchange. I say to you that it is a gambling house. The poor boy in this audience that steals a pig is sent to the penitentiary for larceny. The man that steals a million dollars or a railroad of this country is called a financier and sent to Congress. That is the difference.

As I say, we went to this gambling house. Let me describe it to you just for a moment. We went up into a gallery; we could not get down on the lower floor. I saw there a room probably about two hundred feet square, and all around the wall were telegraph instruments ticking, ticking, ticking; in the center was a circle enclosed by a brass railing, perhaps eighteen inches high. Around this railing, which was perhaps eighteen or twenty feet in diameter, sat eight or ten men. I could not hear what they said; little boys were running from the telegraph instruments to this brass railing carrying telegrams. How many men comprise this institution called the Board of Exchange? Four hundred—no more, no less. How much does it cost to be a member? Forty thousand dollars. There is but one man in Arkansas, so far as I am advised, that belongs to this institution. His name is Taylor and he lives at Texarkana.

As I say, these men were sitting there tearing open telegrams and going yow, yow, yow. I could not understand what they said, but in less than five minutes Clarke said, "Jeff, look there!" A price had been posted; they had changed the price of cotton the world over \$5 a bale. Did they ever own a bale of cotton, my fellow-citizens? Did they ever see a cotton field ripening under a Southern sun? Do they ever expect to own a bale? No. What were they doing? Gambling in the products of the South. As I came up White River the other day along that stream, more beautiful than the Hudson, out of the car window I saw little children, girls and boys, thinly clad on a cold, frosty morning, children just as dear to their parents as yours or mine are to us, picking the cotton, pulling it from the bolls, their little hands almost frozen.

When I saw this sight, my fellow-citizens, my mind turned back to that other scene in New York City, where the gamblers of Wall street sat around the gambling table gambling,

not only in the products of the soil of the South, but gambling in the flesh and blood and bone of the children of the South, and my heart cried aloud: "My God! Is there no help in Israel? Is there no help for the children of the South?" Then the old Populist doctrine announced twenty years ago came ringing back into my ears, like the voice of one crying in the wilderness, saying: "Yes; organization at home; obtain friendly legislation in Congress."

Ah, my friends, this poor man Hatch said to the other members: "I am loaded with a bill that will stop these gamblers." You must stop the gamblers, my fellow-citizens, because if you stop the plows and hoes of the South, if you stop the children, this old Republic will tremble and crumble into dust. You must stop the gamblers. Hatch said we will stop them. The other members of Congress asked in amazement, "How?" "We will tax them out of business; we will tax the cotton gamblers ten cents a bale on every bale of cotton they sell; we will tax the wheat gamblers, the gamblers in wheat and other products, and we will put them out of business."

Did you know, my fellow-citizens, that these gamblers sold 75,000,000 bales of cotton last year against your 13,000,000-crop? And yet you tell me that they do not control the price of cotton? I say that it does. Hatch wanted to put a prohibitive tax on these gamblers. The bill was introduced and passed through the House of Representatives like fire in a stubblefield. It went to the Senate; there it met opposition. Who was the first man that opposed it? Turn, my fellow-citizens, to the Congressional Record, volume 26, part 2, of the Fifty-second Congress, second session, page 1857, and there you will find the vote on this bill, and the first name that appears of those who voted against this Hatch bill was that of Senator Berry, of Arkansas, also that of Senator Mills of Texas, Butler of South Carolina, Senator Coke and other Senators who stood in opposition to this great reform, which the farmers of this Union demanded; and, I am proud to tell you today that every Senator, living in a Southern State, in a cotton-growing State save Senator Berry, who voted against this bill has been defeated.

What became of the bill? It was lost in the Senate. Senator Berry said in his speech, printed, as I have shown you, in this record, that it was unconstitutional; that it was licensing the gamblers. Hatch said: "No, Senator, it is not licensing the gamblers. We simply want to tax them out of

business. We want to put a prohibitive tax on these gamblers." But the Hatch bill was defeated, the gamblers were successful. Poor Hatch went back home, the gamblers bought his district and a Republican was sent to Congress in his stead and he died of a broken heart.

Senator Berry tells you now, my fellow-citizens, that this bill was unconstitutional, that it was licensing gambling, and for this reason he would not support it; that he supported the bill introduced by Senator George, who was a great lawyer, he said. Ah, my fellow-citizens, the George bill was introduced in the Senate as a substitute for the Hatch bill; it was defeated as a substitute in the Senate, and when it came to a vote on the Hatch bill, Senator George refrained from voting, saying he would not vote against this measure. Yet Senator Berry did. Hatch is dead, and the cause is injured. I say to you today that what the Senate of the United States needs is a man who will stand on the watch-tower and cry loud and spare not. I say to you today that it would scarcely be unconstitutional to take this crowd of thieves and gamblers out and hang them; and I want to tell you that if you will send me to the United States Senate, I will let this crowd know that I am in town when I get there.

But Senator Berry says: "Governor, you do me a great injury. I have a bill now, better than the Hatch bill; a bill that will stop gambling in the products of the soil." When did you introduce it, Senator? Ah, my fellow-citizens, I hold it here in my hand; it is Senate Bill No. 7201, introduced by Senator Berry on the 15th day of February, 1905, read twice and referred to the committee on judiciary, and there it rests. Ladies and gentlemen, here and now I challenge Senator Berry, or any friend he has in Arkansas, to show one bill bearing the name of Berry that has ever become a law in the United States. During the twenty years of service in the Senate he has passed no bill of any character. If he could not do this in twenty years, how can he hope in the declining years of his official life to be of any benefit to his people? He says, "Governor, I have a bill now that will stop the gamblers." What is it, Senator? On examination, my fellow-citizens, I find it but a copy, absolutely a copy, of the old George bill. He says that he will put these gamblers in the penitentiary. Senator, don't you think it is a little late now to introduce this bill? Don't you think you had better have helped poor Hatch when he was alive? Don't you think you would have better voted for the Hatch bill and for

the interests of the farmers of the South, and let the courts have determined its constitutionality?

Hatch has been dead now for years, his bill has been defeated; you introduced your bill on the 16th day of February, 1905. Its "running time" now, Senator; don't you think the people of this State can understand your motive? Ah, my fellow-citizens, Senator Berry says he will put the gamblers in the penitentiary. If he can do this I say, amen! I will be glad to help him. But don't you think he ought to have tried this long years ago, and not now, while he is in the toils, when he declines to be governed by a majority of the Democratic votes of this State, and when his county (Benton), once 1,900 Democratic majority, only gave me twenty-nine majority against the Republican candidate, Myers, in the last election? Of course, Senator Berry voted for me, but he winked in the other eye, and I came very near losing his county. I did lose his township (Osage).

Don't you think, Senator, it would have been better to have helped this cause long years ago? "But," you say, "I will put the gamblers in the penitentiary; we will not license them as poor Hatch wanted to do, as you say." Ah, my fellow-citizens, I want to tell you that Senator Berry's bill, a copy of the George bill, which defeated the Hatch bill, is a fraud and a subterfuge. Let me show you why. Suppose today I should go to the telegraph office in this town and wire to a broker in New York City to buy me a thousand bales of cotton or ten thousand bushels of wheat at a given price, and it should be bought, and I should be brought into the Federal Court under Senator Berry's bill, to be put in the penitentiary. The judge would ask me, "Davis, did you not buy cotton or wheat on the 18th day of November in Fayetteville, in the State of Arkansas, in violation of this bill?" I could truthfully answer that I did not. Why, my fellow-citizens? Because I only sent a telegram to New York City; the transaction is split; half of it is in Arkansas; half in New York City.

I will make it so plain that no man can misunderstand it. This is a prohibition town; you can not buy whiskey here legally. If some gentleman in the audience wants a gallon of whiskey he goes to a telephone office, phones to Fort Smith, and has a gallon of whiskey sent to him at Fayetteville. He gets drunk, and we have all the disgraceful scenes incident to a drunken man. Your circuit court brings him before the grand jury and asks him if he did not on the 18th

of November, buy a gallon of whiskey in Fayetteville, and he says no, that he did not. The judge asks him, "Did you not have whiskey here?" He says he did. "How did you get it?" He says, "I sent a phone message to Fort Smith, and a saloon keeper there sent the gallon of whiskey to me here."

Don't you see, my fellow-citizens, that the transaction is split? Half of it in Fort Smith, half of it in Fayetteville. Can't you see that this bill of Senator Berry, proposing to put these gamblers in the penitentiary, is a fraud, a subterfuge—that it can not be enforced? Senator Berry, I want to ask you, Why did you not help poor Hatch when he had his bill in the Senate? You said then it was unconstitutional, and you would not help him. You have copied that George bill since, because you see you are in the toils. It is "running time" now, Senator; "running time."

But Senator Berry says we had too much politics in Arkansas; that the State is agitated; that the State is ruined; that in the last five years we have turned father against son, brother against brother; that the State is absolutely destroyed by politics. I want to say to you, my fellow-citizens, that I do not believe that you will ever hurt any public transaction to turn the sunlight of truth upon it. Senator Berry says there is too much politics. How do you ladies in this audience make butter? Do you make it by setting your churn in the yard and letting it set there all day? No; you take the dasher and stir, and stir, and stir; then you get golden, yellow butter. How does God purify the atmosphere? By lightning. This is the only remedy He has provided. It may kill some men, but that is the only remedy.

What did the Master say to the apostles in regard to the gospel of the Lord Jesus Christ? He said: "Go ye into all the world and preach the Gospel." Agitate, stir. How do you purify your water? Ah, my fellow-citizens, is there a man in this audience that has a well at his house with an old-fashioned windlass on it? Go out tomorrow morning and draw a bucket of water from your well; pour it back, and pour it back, and pour it back. Work this way until breakfast time. Scientists tell us that agitation of your water gives it life and strength and vitality. Stir your well. Stir it up from the bottom. It makes it better, but you do not stir a well that has mud in it. Don't stir that kind of a well. But I say, gentlemen, take the well-bucket of truth and go to the very bottom of every well of public transaction and stir it up.

Senator Berry says there is too much politics. He has not seen any politics yet. I have not got started. It is like an old man that lived in Thayer, Mo., who had never seen a railroad train. (You know this is only three miles from the Arkansas line on the north.) He said to his son, Bill, one morning: "Take me down there and let me see that thing." His son carried him down there. A freight train was running through the mountains, whizzing around the curves at about thirty miles an hour. Bill said, "Father, what do you think of it?" and the latter replied, "Stop it, Bill; stop it. It will kill somebody in the country." His son answered, "Why Father, it has been running here for two months and has not hurt anybody yet." He said, "Yes, Bill, but the durned thing is running endways now; wait till it turns sideways and it will kill everything in the country." So I say to Senator Berry that this senatorial race has hardly started yet; wait until the senatorial race turns sideways and he will see some politics.

### III.

#### STATEHOUSE A STEAL.

Did I not tell you, my fellow-citizens, that your Statehouse was a steal? Did I not tell you this six years ago, when I ran for Governor? They said they only wanted to spend one million dollars on this building. I tried to stop them. I knew that they could not build it for this amount, and I told you that every man connected with it would not live long enough to see this scandal and disgrace obliterated. The contract provides that it should be built for a million dollars, from pure marble stone, excavated from the quarries near Batesville.

My opponent in the last race for Governor said it could not cost more than a million dollars, because the bond and contract called for this sum. I told you that it could not be built for this amount, and on the 29th day of last July I sat in the courtroom in Pulaski County and heard a slick, smooth scoundrel, by the name of Caldwell, one of the contractors, swear that he had paid \$17,500 to buy the Arkansas Legislature. Buy them for what, my fellow-citizens? Buy them to do right? No; buy them to do wrong; buy them to place an additional tax burden of \$800,000 upon the shoulders of the people of my State.

When I heard this statement my heart bled for Arkansas. I love her hills; I love her valleys; I love her history; I love her traditions; I love her past; I love her future. Here I was born, here my wife was born, here we were married, here my children were born, and when I die I hope to be buried in the warm and tender embrace of my native State. And when this scoundrel said that he paid \$17,500 to bribe the Legislature to place this tax burden of \$800,000 on the shoulders of the people of this State, my heart bled for Arkansas. He said he paid it to your Legislature. This was a cheap Legislature if he could buy them for this amount.

I told you six years ago that this Capitol could not be built for a million dollars, and I have told you this every campaign since. Two years ago my opponents said that they had a bond, a contract for a million dollars, and that nothing more could be spent in the erection of this building, but when I went into the Pulaski Circuit Court, in the trial of the boodle cases of this State, I found that this bond and contract opened at one end to let them in and opened at the other end to let them out. Like the nigger's fish trap, it caught them "comin' and gwine." It was a contract to let them in and to let them out, and I say to you today, my fellow-citizens, this building will not be erected for less than \$3,000,000, if constructed according to the original plans and specifications.

Did any of you ever see the State Capitol building? I hope you have. It covers eight acres of floor space. You could put every man, woman and child in Arkansas, stand them up just as this audience is today, inside this building, and then leave plenty of room for me to beat Senator Berry for the Senate; and if we could get this race pulled off under the shelter inside this building perhaps the Senator would jig around on the corners and let me meet him. He will not do so now.

This man Caldwell says that he paid \$17,500 to buy the Arkansas Legislature. To whom did he pay it? He said he paid it to a man named Tom Cox, who has controlled the Arkansas Senate for the last ten years, and a man named M. D. L. Cook, a dirty, slick boodler, who was formerly financial agent for the penitentiary. Mr. Rogers says that I elected Cook financial agent of the penitentiary. This is false. He was elected financial agent during Governor Jones's administration. I never voted for him in my life. I always knew that he was a boodler and scoundrel, and have told the people of this State so for the past four years.

Mr. Caldwell says he paid \$17,500 to these two men to buy the Arkansas Legislature. Did I not tell you six years ago, and in every campaign that I have made since then, that Cox and Cook should be in the penitentiary, that they should have stripes on them? Have I not told you, my fellow-citizens, that we were going to turn Red River through the Statehouse, that we were going to clean out that old gang there? They blocked up the old stream for awhile; they dammed it up, but, thank God, we have got it opened now, and it is turned toward the Statehouse, and we are going to clean it out.

I crossed Buffalo River, a stream in Northwest Arkansas, a few days ago. It was so swift and people were floating logs down it so that I had to hire a guide to conduct me across it. The logs were floating so rapidly that this guide had to wade in and push logs back while I could whip my horse across. I thank God we have a guide at Little Rock. His name is Lewis Rhoton. He has a backbone of steel, as big as this old grip I carry, and I wish he were a candidate for Governor. He is after those thieves and boodlers. He is after Cox and Cook, and if you will just be patient for a short while we will show you Cook and Cox with two of the prettiest pairs of striped breeches on you ever saw in your life. How is Cook, this boodler, to get out of the penitentiary? There is but one way, ladies and gentlemen, and that is for him to be pardoned out. I say to you that I have some sympathy for a man who, in the heat of passion, kills his fellow-man, or, from other cause, commits some other crime; but I want to tell you, here and now, that I have only contempt for the man who will go to the Capital City as a member of the Legislature and sell his vote, corrupt his honor and betray the people of his country; and if any of these boodlers and bribe-takers get in the penitentiary, I want to say to you that they will rot there, as far as I am concerned; that there is no pardon on ice waiting for them from me.

How is Cook to get out of the penitentiary? There is but one way, and that is the election of Bob Rogers as your Governor. Cook says publicly on the streets of Little Rock that he does not give a d—n how often he is convicted, if Bob Rogers is elected Governor; that Bob Rogers will pardon him. Ladies and gentlemen, I say to you today that I am not here for the purpose of dictating to you how you shall vote, or who shall manage the State Government of Arkansas. I shall soon surrender the reins of government to some other official, be that who he may; but I believe that it is my duty,

as your public servant, to tell you what I know as to the character and surroundings of this man Rogers. I say to you that he ought not to be elected your Governor. I say today, as I have said all over this State and in his presence, that he is the willing tool, that he is the servant of the worst gang of thieves and boodlers that ever attempted to loot the treasury of the State.

He said at Cross Roads, in White County, when I charged him thus as their candidate, that he barely knew Cook, that he had never seen him but once, and that was when he was a mere boy and his nose was broken in a game of ball; that Cook took him to a pump and washed his face and sent him to a hospital, and that he had never seen Cook since, and that he did not know Cook, this boodler and bribe-giver. Ladies and gentlemen, I knew this was not true. My office door opens just in front of the Attorney General's, and I have seen Cook during the session of the last Legislature go in and out of the Attorney General's office so often and so fast that I thought he would set the old building afire. You can ask your Representative if it were necessary that he should be approached to know that there was boodling going on there. It was so thick you could cut it with a knife; you could see it and smell it and feel it.

Bob Rogers and M. D. L. Cook, during the last session of the Legislature, were as busy as two cranberry merchants; they were awful thick; yet Bob Rogers tells you in his speech that he barely knew Cook. Gentlemen, I want to tell you just what did occur: At Cross Roads, in White County, I charged him with being the candidate of this gang of thieves and boodlers and he said, "I have never had a business transaction with Cook." I knew this was not true, and I charge here and now that this gang in Little Rock paid his campaign expenses in his race for Attorney General; and when he said in Cross Roads, White County, that he never had a business transaction with Cook, I knew it was false, and later I bought from the Twin City Bank, in Argenta, his note which had been protested for nonpayment. I borrowed \$486.10 to buy his note. Why did I do it, my fellow-citizens? To expose the poverty of Bob Rogers? No; I bought it to show to the people of this State that he was too thick with this crowd. Who is this note signed by? Read it. I have sent it to you all. It is signed by Robert L. Rogers. By whom is it endorsed? It is endorsed first by Wallace W. Dickinson, who has 300 convicts leased; next, by J. J.

Ball, who has 200 convicts leased; next, by M. D. L. Cook, this boodler, perjurer and bribe-giver, who has 150 convicts leased, with whom Bob Rogers has dealings every day in the management of the penitentiary.

But he says that he did not know that Cook was a boodler or bribe-giver, or he would not have let Cook go on his note. Ah, my fellow-citizens; at Cross Roads he said he would let a nigger go on his note. Ah, gentlemen, we do not want a man for Governor who would let a nigger go on his note. Recently, when the President was here, I helped entertain him. There must have been 40,000 people in our Capital City, one-half of whom were niggers. I never saw as many niggers in my life. I had to take four baths to take the smell off my person. The papers say that I did not treat the President courteously. I stayed with him all day; I showed him all the courtesy any official could show another; but when we came to the banquet table, I found that Powell Clayton was to sit at the same table, and I said, "Mr. President, I can not eat with the old one-armed villain; his hell-hounds and villains murdered my aunt in Little River County during the Reconstruction."

Many a night has my mother laid out with me, a baby, in the woods, to escape the ravages of these demons. He murdered our citizens, he pillaged our homes, he depleted our treasury, and my mother would have no respect for me if I should sit down and eat with him. The food would sour on my stomach. I delivered the President to the banquet hall, where the luncheon was being served, and I said to the guard, "Cut the ropes; let me out. My God, let me away from Powell Clayton and his nigger gang!" Ah, my fellow-citizens, I did not eat with Powell Clayton, and the next time you hear from Jeff Davis he will not be sitting as Senator Berry did, at a banquet board with this despoiler of our homes.

But Bob Rogers said that he would let a nigger go on his note; that he was so poor; that he was a boy just raised in the sticks; that he worked for a poor old widowed mother, and he cries and says that he never had but one mother, and cries and cries. He says he will kill me if I tell some incident in his private life. Ah, ladies and gentlemen, his life must be dark, indeed, when he threatens to kill your Governor, to commit murder, if it be disclosed.

He says he did not know Cook was a boodler. Read the note which I have purchased from the Twin City Bank. You



**EX-GOV. GEORGE W. DONAGHEY.**

To Whom Jeff Davis Referred in His Conway Speech as  
"Honest George," and Who Later Became His  
Most Bitter Political Antagonist.



will see it is dated on June 7, 1905. At this time the boodle prosecutions were under full sway. All the boodlers had been indicted, everybody knew that Cook was a boodler except Bob Rogers. Cook will be convicted; he will be sent to the penitentiary; so will Cox. Their cases will be appealed from the circuit to the Supreme Court. Who will have to prosecute them in the Supreme Court? Bob Rogers. Don't you think he is a little too thick with this gang?

I am not here to dictate who shall be your Governor. Judge Little is a candidate, and also Mr. Sevier. They are not mixed up with this crowd of thieves, and I believe that the honest yoemanry of this State, when they know Bob Rogers, will decline to vote for him. The treasury of this State is full of money. Like an old bee tree, which has bursted in the woods, this gang can smell, feel and almost taste it. They have been kept out of the Governor's office for almost five years; they are hungry, and they want to get their hands in the State treasury up to their armpits. I have kept them out. Be careful how you vote. If I were called upon to select a candidate for Governor, I could pick a thousand men that would suit me better than any of the opponents of Bob Rogers, but I know them to be honest men, and I advise you to be careful how you vote. I have never yet told you a thing in politics that has not proven true—our Statehouse, our penitentiary, all have proven just as I told you—and I ask you now to be careful.

#### IV.

##### THE PENITENTIARY CROWD AND SENATOR DAVIS.

Among other things Governor Davis discussed at Bentonville were the State convict farm and what he called "the penitentiary crowd." Speaking of the State farm, he said:

"They found there miasma, frogs, tadpoles, pestilence, diseases and Johnson grass; they found a stockade, 30 by 40, with fifty men confined therein—niggers and white men there together. They found they were almost whipped to death, starved to death, eaten up with lice, sores all over their bodies; they found that a man by the name of Bradford, son of the Commissioner of Mines, Manufactures and Agriculture, a member of the penitentiary board, was doing the whipping; they found that he had a perfect mania for the whipping; that he whipped one white man three times in one day; that he whipped him until the blood slashed in his shoes and

until he fell prostrated in the row, until they thought he was dead. Yet Bob Rogers says they are reforming the penitentiary.

Who is it, my fellow-citizens, that runs the penitentiary? Bob Rogers, Mr. Ludwig and Mr. Bradford. Doctor Moore and myself, the other two members of the penitentiary board, have no more to do with it than an unborn babe. We are in the minority. They will not let us manage it. But Bob Rogers says they have reformed the penitentiary since he has been Attorney General; that it is now in good condition. I say to you that niggers are guarding white men on the walls of the penitentiary, armed with rifles and authorized to kill. I say to you that niggers are guarding white men at the railroad camps in this State, armed and prepared to kill. This is in direct violation of the statutes. Mr. Pitcock, the superintendent of the penitentiary, admitted that this was the case, and, by resolution of the board recently passed, he was instructed, on my motion, to refrain from further use of negro guards.

Bob Rogers says that he has reformed the penitentiary. Ah, my fellow-citizens, I want to tell you that this penitentiary, under the present management, is as rotten as hell itself, and if I were on a jury in your county I would hesitate long before I sent a white man to this hell-hole of filth and corruption for a trivial offense.

Did you know that your last Legislature passed an appropriation of more than a million dollars in excess of your taxes for the next two years, if I had permitted it to stand? One Saturday afternoon I felt a veto spell coming over me, and I vetoed \$150,000 of this foolish, reckless appropriation before I went to supper; when I came back I vetoed a lot more. The \$150,000 was for the penitentiary—\$70,000 to pay on the convict farm, which is worthless; \$50,000 to pay for the support of the convicts; and the balance to pay the salaries of the officers. I said to them: "Gentlemen, you can steal what the convicts, eight hundred in number, make, but I swear by all the gods in the calendar that you shall not steal and use in riotous living the money of the taxpayers of the people of Arkansas; you shall not get your hands in the State treasury. If you can not make these eight hundred able-bodied convicts self-sustaining, you will have to get another Governor and another Legislature before you can steal the tax money of the people of this State to support them."

Ah, my fellow-citizens, this penitentiary gang is mad today; they are as mad as they can be. Why? Because I have dehorned that crowd in Little Rock. They are walking around the streets like an old cow with one horn knocked off; they do not know where to get the money to pay this man Bradford for whipping the convicts to death, or the preacher for praying for them, or the scoundrel at the convict farm for starving them to death. They are mad, my fellow-citizens; they are awfully mad; but I tell you, my fellow-citizens, that as long as I am Governor they shall never steal the tax money of the people to support the convicts of the State.

But they say, "Governor, you are a bad man; you pardon too many people; you have pardoned eight or nine hundred men since you have been Governor." I do not know, ladies and gentlemen, but I would to God I had legal excuse to pardon more of them today. I am always glad to reach down and pull a boy out of hell and give him back to his mother; I am always glad to pull a poor fallen man from this cess-pool of filth and corruption, the Arkansas penitentiary, and start him out again on the road of right living.

Ladies, they call me the pardoning Governor of the State. I am glad to be called the pardoning Governor; I am glad that I have been able, during my administration, to lift so many shadows and sorrows from the hearts and homes of the people of my State; I am glad that I have been able to make so many hearts happier, because of the pardoning power. My fellow-citizens, never criticise a man because he is merciful. What is mercy? Mercy is God. God is mercy. Without mercy we would have no God. The sunshine, the flowers, the birds, the trees, the brooks—everything in nature tells us in glad, loving tones of God and His mercy. Do not be unkind to a man because he is merciful; you do not know what shadow lies across your pathway; you do not know what cloud overhangs your home. My boy today, a student at the State University, the pride of my heart, may commit an offense before nightfall that will incarcerate him in a felon's cell; and I say to you, ladies and gentlemen, that if it were true, I would crawl to Little Rock, if it were possible, I would crawl at the very feet of the Governor, I would wash his feet with my tears to obtain his pardon. Don't be unkind to a man because he is merciful.

I witnessed the most tender scene at Calico Rock a few days ago while I was there that I ever witnessed in my life. A poor woman was there when I walked into the hotel. She

had with her six little children, who were thinly clad. I could tell they were poor and distressed. When I walked into the hotel; she grasped me by the hand and said: "Is this Governor Davis?" I told her yes, and asked her what she wanted. She said she wanted to talk to me about her husband; that she wanted me to pardon him. She told me her name and broke down crying, and then the children went to crying; so did I. Ah, my friends, if you had passed the hotel at that time you would have thought that there was a funeral there. There was weeping and moaning there. I told this poor woman that I could not pardon her husband because he was a fugitive from justice; that she would have to have him surrendered before I could pardon him. This did not satisfy her or the children, and I have been unable yet to get this terrible scene from my mind. I can see this woman and the six little pitiful children in my dreams; I can hear them as I sleep. Ah, gentlemen, do not be unkind to a man that is merciful.

A few days ago I went into my office one Sunday morning, and there sat a woman with two little girls, ragged and barefooted. As I walked in, she said: "Is this Governor Davis?" I told her yes, and asked her name, and she said her name was Mrs. Harris: that she lived in Pike County. I saw she was footsore and tired; her shoes were worn and her dress bedraggled. I asked her what she wanted, and she said the pardon of her husband. She had no lawyer, no petition, but I listened to her pitiful story. She said her husband was accused of shooting at a man. I asked her if he had hurt the man. Her reply, my fellow-citizens, may make you laugh, but it did not make me laugh. She said, "No, Governor; he never totched the man." But, ladies and gentlemen, that pathetic story "totched" me, and I believe it touched the great White Throne of God. I told her I would look into her case, and on the following Tuesday when I was in my office I examined the case, with the result that I sent a pardon into the blue mountains of Pike County, which "totched" that little home and the hearts of that woman and little children that were with her, and I believe that the Recording Angel of God dipped his wing in a fount of eternal gold and wrote to my credit that deed of charity, that act of kindness.

## CHAPTER VII

### SENATOR DAVIS'S CELEBRATED COB-WEB SPEECH.

#### I.

##### SUPPRESSION OF POOLS, TRUSTS AND COMBINATIONS IN TRADE.

December 11, 1907, nine days after Jeff Davis entered the United States Senate, he delivered a celebrated speech on "The Suppression of Pools, Trusts and Combinations in Trade." It shattered precedents, which usually constrain a new member to keep silent for at least a year before he makes a speech on the floor of the Senate. In an interview widely published a few days later, he said that he had "swept the cob-webs off the ceiling of the Senate Chamber" with his great speech, which was more than a nine days' wonder at the Capitol.

The Senate having under consideration the bill (S. 100) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes—

Mr. DAVIS said:

Mr. President: It was not my purpose when I entered this honorable body to retain my seat in silence, if possible, until my hair should have grown gray in service, until I had grown out of the knowledge of my constituents and lost my identity with them. It was my ambition, sir, to present quickly, fearlessly, forcefully, and as intelligently as I might, some of the living and vital questions which are today before the American people and in which they are deeply and vitally interested. I know of no question, sir, before the American people that lies closer to their great throbbing hearts than that question the proper solution of which is in this bill under consideration.

Mr. President, it would be useless of me, in this body of eminent lawyers, to attempt a strict legal definition of a trust, but I shall content myself, sir, with that common, every-day definition known and understood of all men—that is, any combination of capital having for its object and purpose the restraint of trade or the fixing of prices.

Ah, sir, the question before the American people today is, Is a trust a good thing? If it is, Mr. President, then in the name of the toiling masses of the earth, in the name of the men upon whose shoulders the burdens of government rest, I ask that we have more of them. If they are bad things, then

in the name of the power that is vested in this body and in the Congress of the United States, I ask, sir, that trusts be suppressed; that trusts be destroyed. The object and purpose of this bill is indicated in its title, which shows the purpose for which the bill is framed; that is that trusts, pools, conspiracies, and combinations in restraint of trade and unlawful attempts to fix prices be suppressed, be destroyed.

Mr. President, the bill speaks for itself. Without reading it at length, how plain, how simple are its terms. Section 1 of the bill provides, in short, that any corporation organized under the laws of the United States of America, or under the laws of any other country, and transacting any kind of inter-state or international business in the United States of America, that shall become a member of any pool or any trust, shall be subject to the penalties prescribed by this bill and come under its prohibitions.

Ah, Mr. President, this is a simple bill, but it is far-reaching. Its consequences can not be in a short discussion of this kind foretold. I am told that perhaps the bill would not accomplish the purposes sought. I assert, sir, most emphatically, that if this bill becomes a law and is honestly and intelligently enforced, it will suppress trusts. What is the language of the bill? "Any corporation." Does not that include them all? Organized where? Anywhere in the United States of America or in any country on earth. That shall do what? That shall engage in or become a member of any pool or any trust for the purpose of fixing prices unlawfully shall come within the pains and under the penalties of this bill. Sir, do not the words "any trust" embrace all trusts organized anywhere in this land or elsewhere? I say that this bill reaches the desired result. What is the result desired? To kill trusts.

I shall not enter into any long dissertation upon the origin of trusts or the cause of their origin. It suffices to say that trusts are here, that trusts are with us. How can they be destroyed? Why should they not be destroyed? Shall they be permitted to run riot in this land?

Mr. President, section 2 of this bill provides that in the case of a violation of its provisions by a domestic corporation organized under the laws of the United States we shall take away their charter rights to transact business in this country, and in case of violation by a foreign corporation the bill prohibits it entering upon our shores. Have we the power to do that? Is there a lawyer on this floor—I challenge him to the contest—is there a lawyer on this floor who would deny the

right of this Government to say to a home corporation, "If you engage in this kind of business we will take from you your charter; we will take from you your corporate rights to do business?" Can any man deny that this Government, in its sovereign capacity, has the right to say to a foreign corporation engaged in an unlawful conspiracy to fix prices, "You shall not come into our country?"

Ah, sir, the Chinaman by the law of the United States is prohibited from coming to our shores, and any foreigner may be restricted in his rights and subject to the restrictions of human society. Then, sir, if a man made in the image of God can be met at the very borders of our country and told that he shall not cross the border line, I ask why it is that it may be insisted that we have no power to stop a corporation—a creature of the law—a law-made creature—that we can not stop them there? That would be strange indeed. If we have the power, as undeniably we have, then will some Senator representing the majority on this floor have the kindness to tell me why we do not do it?

It may be said that we have a sufficient anti-trust law; that the Sherman Act of 1890 is amply sufficient to meet this emergency. Is that true? Ah, Mr. President, I have only to quote you the language of Judge Grosscup, one of the most eminent jurists upon the Republican side in this land, who recently made a speech in Columbus, Ind., in which he said that if we but call the list of all the great so-called "trusts" organized since the passage of the Sherman Act we would be calling the list of all the great trusts and corporations of the day. Judge Grosscup asked the pertinent question, "Have wages been increased or has the cost of living been reduced by the efforts at enforcement of the Sherman law?" He said, "No." Mr. President, can his word be disputed; can this statement be denied? Has there been an honest and effective effort to crush a single trust under the Sherman Act? If there has been, will the majority lay their hand on it? If you have crippled one, tell me where you hit it? You have not even crippled a trust; you have not lamed a trust, and you have not disturbed a trust.

Mr. President, the bill which I here propose intends to wipe trusts off the face of the earth. You have the power to do it. Let the Democrats in this body, let the men from the South and West stand by me in this contest, and I promise you that this bill shall not be lacking in effectiveness, neither shall it take the course that has been the fate of other trust bills,

sleeping the sleep that knows no waking in committee rooms. Mr. President, I am in earnest upon this subject. I mean what I say.

Senators, what are some of the other features of this bill?

The further down into the bill you get the better it is; the deeper you dig, the more sound Democratic doctrine you find.

Who created the trusts? What were the causes which led to their formation? Before the Industrial Commission appointed by Congress for that purpose, Mr. Smith, in summing up the testimony of the witnesses there, took the testimony first, of Mr. Havemeyer, the great sugar king. Mr. Havemeyer is dead and gone to his reward; whether a good or bad one I do not know; but, at least, Mr. President, he has gone to that place and clime where St. Peter don't take sugar in his'n. [Laughter.]

Mr. Havemeyer said in the testimony before this Commission that the tariff was the immediate and prime cause of the formation of trusts.

Mr. Gates, the great wire king of the country, said that his trust was formed on wire that they might become the wire manufacturers of the world. They all say that it is done to shut out competition; that it is done to throttle trade. Then, sir, if the trusts were formed for that purpose, you have shut them out, you have not killed them by the Sherman law.

Let us take this bill and consider it and see whether it is effective, whether it will accomplish the purpose. Section 6 of the bill provides that a corporation organized for the purpose of forming a trust shall not sell goods for nothing; that they shall not sell them at a cost less than the cost of production; that they shall not give them away; that they shall not sell them in such a way as to injure legitimate competition; that they shall not sell them in one section of the country at a less price than in another section of the country. Is there anything wrong in that, Mr. President? Is there any Senator upon the majority side of this great body who can point to me any wrong in that provision? If there is, let me hear it. We say to these corporations you can not do what? You can not sell goods at less than the cost of manufacture; you shall not give them away; you shall not sell them in one section of the country at a less price than in another section of the country; you shall not do any act that will injure legitimate competition.

Sir, I can only cite you to an instance in my own State. A local company in our capital city of Little Rock was selling

oil at 10 cents a gallon in the city and 15 cents a gallon in the country. The Standard Oil Company, seeing that they were an independent concern and desiring to drive them out of the market, sent their oil to Little Rock, and these men saw bankruptcy staring them in the face. The Standard Oil Company began to sell oil at 6, at 4, at 3, at 2 cents a gallon, and these men, who were selling the independent oil, were forced out of existence. Immediately after that was done the Standard Oil Company placed the price of their oil not at the old price of 10 cents in the city and 15 cents in the country, but at 15 cents in the city and 25 cents in the country. My friends were driven out of business. Ah, sir, is that fair? Is it right? Will you sit here in your seats as Senators representing a sovereign constituency and allow these things to go on when you know that they are wrong? You can not fool the country. You may fool all the people a part of the time, you may fool a part of the people all the time, but you can not, thank God, fool all the people all the time. They know that the trusts are bad things; they know that you have the power to suppress them under proper legislation: and I place this burden on the shoulders of the majority in this body. What will you do, gentlemen? Will you pass this bill?

I do not contend that this bill is perfect. I do not contend that the bill is without fault or blemish. If there are defects in it, it can be amended in committee; but, sir, I say to you without fear of successful contradiction that there is not a lawyer within the sound of my voice who will seriously contend that there is a provision of the bill that does not strictly follow the law. We have the power to suppress trusts, and we can do it. Section 6 of the bill is worth its weight in gold.

What are the further provisions of the bill? It provides the manner of taking the testimony—a mere matter of detail which I shall not stop to enlarge upon. It provides that it shall be enforced by the Attorney General of the United States and by the district attorneys of the various districts of the State in which the offense may be committed. It provides that in the case of a man who lives more than a hundred miles from the place of trial, his deposition may be taken. It provides for the appointment of commissions; for the procuring of books and evidence from the corporation itself, and provides, gentlemen, that if the testimony is withheld by the corporation after the notice provided in this bill is given, then the trial judge may dismiss the pleas that have been filed by

the corporation and may render judgment by default against it.

Gentlemen, can this be done? I say it can. The law permits it. Then, why do you withhold it from the American people? When are we going to kill trusts, gentlemen? I will tell you. We are going to do it whenever we lay aside partisan feeling; whenever we lay aside partisan bickering and partisan bitterness and rise to the true standard of American manhood; when we get upon the broad plane of American citizenship, and work for the great good of the great common people. Then, and not until then, can we suppress trusts. We, the minority, recognize, gentlemen, that we are in your hands—in the hands of the majority. The bill is presented, and I ask for it your respectful consideration.

Section 2 of the bill is the best of all. It provides the penalties. The penalties provided by this section are these: Any corporation violating the act may be fined in any sum not less than \$5,000 for each day's offense, and each day the offense shall be continued shall be considered a separate offense. More than that, Mr. President, it provides for a penitentiary sentence of not less than five nor more than twenty-one years for any man violating its solemn mandates. Ah, Mr. President, make this penalty the law. Even if you defeat the bill, if you refuse to consider it, if you trample it under your Senatorial feet, leave the penalty clause as a part of the Sherman law. Let the great trust magnates of the land understand, sir, that they are not above the law; that the strong arm of the law can reach them, and that the strong arm of the law will reach them. Prosecute them just like you would any other felons; prosecute them just like you would an ordinary horse thief. The man who steals your horse commits a very small injury to your property, indeed, but the man who, under the trust process, grinds and oppresses and destroys American manhood and shuts the door of opportunity to millions and millions of men does a wrong and an injury, Mr. President, that can not be compensated in mere fines. Put them in the penitentiary.

Do you know the best object lesson today for the suppression of the trusts, sir, would be to see John D. Rockefeller or some fellow just like him with stripes on. That is strong language, but I mean it. Let every man, no matter who he is or how big he is, come under the law. If he violates it, place upon him felon's stripes, the doxology of a misspent life, and he will respect the law. Let no guilty man escape, Mr. Presi-

dent. Let the great American people understand that the law is made for all alike. Protect the weak man in his cabin and protect the great man in his castle, but protect all alike. I say the remedy, Mr. President, is to make the strong arm of the law reach out and get those who violate the law.

What next does this bill provide? It defines what is a monopoly and what is a trust. Without intending to read all of section 5, I shall read a portion of it so as to be entirely accurate. It says:

SEC. 5. That a monopoly or trust intended to be prohibited by this act is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, customs, skill or acts or any other valuable thing or possession by or between persons, firms, or corporations or associations of persons, firms, or corporations, whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished, or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several evil results mentioned herein are reasonably calculated to be produced, etc.

That defines what a monopoly is. I shall not take the time of the Senate to read the whole section, but the definition embraces all kinds of trusts.

## II.

### SWOLLEN FORTUNES.

Now, sir, I want to say that in my judgment the American people are looking to this Congress for some relief on this great question. Talk about the panic that is on hand. What is the cause of the panic? I shall not attempt to discuss that because it would not be germane to this question; but, sir, no longer can it be claimed by the Republican party of this nation that panics do not occur when the G. O. P. is in power. The people of this country today are aroused as they never have been stirred before.

Mr. Havemeyer says in his testimony, from which I have quoted, that the tariff is the mother of trusts and that the trusts are but reaping and gathering the benefits they have been enabled to gather by reason of the tariff. Ah, sir, if that is true, then the tariff, as he says, is the mother of trusts, and the trusts are reaping the benefit of the tariff. Today, sir, we see the amazing spectacle of fifty-one men in the United States, beginning with John D. Rockefeller, owning \$3,295,000,000 of the wealth of this country. In this connection, Mr. President, I ask leave to submit as a part of my remarks, to be printed as an appendix, a very carefully prepared manuscript upon this subject, giving a list of fifty-one men in this

great country of ours who have amassed large fortunes, and the amount that each one has amassed.

The VICE PRESIDENT: The Senator from Arkansas asks unanimous consent to insert as a part of his remarks the statement referred to by him. In the absence of objection permission is granted.

The statement referred to is as follows:

THE RICHEST FIFTY-ONE IN THE UNITED STATES.

When the average present-day millionaire is bluntly asked to name the value of his earthly possessions, he finds it difficult to answer the question correctly. It may be that he is not willing to take the questioner into his confidence. It is doubtful whether he really knows.

If this is true of the millionaire himself, it follows that when others attempt the task of estimating the amount of his wealth the results must be conflicting. Still, excellent authorities are not lacking on this subject, and the list of the richest fifty-one persons in the United States has been satisfactorily compiled.

The following list is taken from Munsey's Scrap Book of June, 1906, and is a fair presentation of the property owned by fifty-one of the very richest men of the United States:

Rank	Name.	How made.	Total fortune.
1	John D. Rockefeller.....	Oil .....	\$600,000,000
2	Andrew Carnegie.....	Steel .....	300,000,000
3	W. W. Astor.....	Real estate.....	300,000,000
4	J. Pierpont Morgan.....	Finance .....	150,000,000
5	William Rockefeller.....	Oil .....	100,000,000
6	H. H. Rogers.....	.... do .....	100,000,000
7	W. K. Vanderbilt.....	Railroads .....	100,000,000
8	Senator Clark.....	Copper .....	100,000,000
9	John Jacob Astor.....	Real estate.....	100,000,000
10	Russell Sage.....	Finance .....	80,000,000
11	H. C. Frick.....	Steel and coke .....	80,000,000
12	D. O. Mills.....	Banker .....	75,000,000
13	Marshall Field, Jr.....	Inherited .....	75,000,000
14	Henry M. Flagler.....	Oil .....	60,000,000
15	J. J. Hill.....	Railroads .....	60,000,000
16	John D. Archbold.....	Oil .....	50,000,000
17	Oliver Payne .....	.... do .....	50,000,000
18	J. B. Haggin.....	Gold .....	50,000,000
19	Harry Field.....	Inherited .....	50,000,000
20	James Henry Smith.....	.... do .....	40,000,000
21	Henry Phipps.....	Steel .....	40,000,000
22	Alfred G. Vanderbilt.....	Railroads .....	40,000,000
23	H. O. Havemeyer.....	Sugar .....	40,000,000
24	Mrs. Hetty Green.....	Finance .....	40,000,000
25	Thomas F. Ryan.....	.... do .....	40,000,000
26	Mrs. W. Walker.....	Inherited .....	35,000,000
27	George Gould.....	Railroads .....	35,000,000
28	J. Ogden Armour.....	Meat .....	30,000,000
29	E. T. Gerry.....	Inherited .....	30,000,000
30	Robert W. Golet.....	Real estate.....	30,000,000
31	J. H. Flager.....	Finance .....	30,000,000
32	Claus Spreckels.....	Sugar .....	30,000,000
33	W. F. Havemeyer.....	.... do .....	30,000,000

Rank	Name.	How made.	Total fortune.
34	Jacob H. Schiff.	Banker	25,000,000
35	P. A. B. Widener.	Street cars	25,000,000
36	George F. Baker.	Banker	25,000,000
37	August Belmont.	Finance	20,000,000
38	James Sullivan.	Banker	20,000,000
39	John W. Gates.	Finance	20,000,000
40	Norman B. Ream.	do	20,000,000
41	Joseph Pulitzer.	Journalist	20,000,000
42	James G. Bennett.	do	20,000,000
43	John G. Moore.	Finance	20,000,000
44	D. G. Reid.	Steel	20,000,000
45	Frederick Pabst.	Brewer	20,000,000
46	William D. Sloane.	Inherited	20,000,000
47	William B. Leeds.	Railroads	20,000,000
48	James P. Duke.	Tobacco	20,000,000
49	Anthony N. Brady.	Finance	20,000,000
50	George W. Vanderbilt.	Railroads	20,000,000
51	Fred W. Vanderbilt.	do	20,000,000
Total.			\$3,295,000,000

It will thus be seen that fifty-one persons in the United States, with a population of nearly 90,000,000 people, own approximately one thirty-fifth of the entire wealth of the United States. The Statistical Abstract of the United States, twenty-ninth number, 1901, prepared under the direction of the Secretary of Commerce and Labor of the United States, gives the estimated true value of all property in the United States for that year at \$107,104,211,917.

Each of the favored fifty-one owns a wealth of somewhat more than \$64,600,000, while each of the remaining 89,999,950 people get \$1,100. None of these fifty-one owns less than \$20,000,000, and no one on the average owns less than \$64,600,000. Men owning from \$1,000,000 to \$20,000,000 are no longer called rich men. There are approximately 4,000 millionaires in the United States, but the aggregate of their holdings is difficult to obtain. If all their holdings be deducted from the total true value of all the property in the United States, the average share of each of the other 89,995,000 people would be less than \$500.

John Jacob Astor is reputed to have been the first American millionaire, although this is a matter impossible to decide. It is also claimed that Nicholas Longworth, of Cincinnati, the great grandfather of Congressman Longworth, was the first man west of the Allegheny Mountains to amass a million. It is difficult to prove either one of these propositions, but they prove that the age of the millionaire in the United States is a comparatively recent thing. In 1870 to own a single million was to be a very rich man; in 1890 it required at least \$10,000,000, while today a man with a single million, or even ten millions, is not in the swim. To be enumerated as one of the world's richest men you must own not less than \$20,000,000. The age of the multi-millionaire began with the high tariff of the Republican party in 1897 and is now in the zenith of its glory. Havemeyer, of the sugar trust, in his sworn testimony before the Industrial Commission, said that the tariff was the mother of all the trusts, and everybody concedes that the trusts breed multi-millionaires.

MR. DAVIS: Government statistics, sir, show the true and total wealth of the 89,000,000 people of this country is, in round numbers, \$107,000,000,000. Fifty-one men today own \$3,295,000,000 of this amount, or one-thirty-fifth of the entire

wealth of the country. This does not include men who own simply a million dollars' worth of property. Men who today own not more than a million dollars are poor men indeed. In 1870, sir, a man was a rich man if he was a millionaire. In 1890 the standard had moved up and it required \$10,000,000 to be counted in the swim; but today, sir, a man is not considered a rich man unless he owns at least \$20,000,000.

Take the fifty-one men—trust magnates, if you please, men who have grown rich by these processes—owning \$3,295,000,000 of the wealth of the country; add to that the wealth of the other 4,000 millionaires who own as much as a million dollars each, but not so much as \$20,000,00, and you have, sir, an appalling state of affairs. The men own about 87½ per cent of the wealth of the country. The common, ordinary, every-day man of the 89,000,000 people living under this great Government owns, on an average, less than \$500 in property. You ask, is that true? Ah, your own statistics show it. Can you answer to the country why and how this occurred?

Sir, what is money that it has grown so priceless? Money is simply a means to an end. This is a day of commercialism. The country has gone wild about money. This is a day, Mr. President, when gold is placed above God and money is placed above men, when we would sell our souls, our Government, our all for dollars. There is a mad desire to get money, and everybody has the fever.

Sir, there is some trouble somewhere. What is that trouble? Happy, indeed, and beneficial to mankind will be the man who can solve the problem, diagnose the case, and apply the remedy.

Mr. President, our fathers, when they framed this Government more than a hundred years ago, embarked in an unknown undertaking. They embarked upon a sea without rudder and without compass. They had neither precedent nor example. They intended to form a Government that should be a simple Government, that should be a pure Government, that should be a Government, indeed, of the people, for the people, and by the people. But, sir, is that the condition prevailing today? Mr. Lincoln, the great patron saint of the Republican party—God bless his memory—in his latter days spoke a great truth when, looking down upon this Government from his lofty height in the travail of his soul, he said, "I see an era approaching which gives me more concern than did the Civil war. I see a period approaching when all the wealth of the country will be concentrated in the hands of a few, and

when that day shall arrive I tremble, sir, for the Republic itself." I do not quote Mr. Lincoln exactly, but that is the substance of what he said.

Mr. President, I am not an alarmist. I am not a socialist. Neither am I an anarchist. But I stand here today to tell you that there is something wrong—radically wrong. This is not the Government handed down to us by our fathers. The old ship of State has drifted far from her moorings, and unless we tow her back to the old-time democratic simplicity, I stand here today to tell you, sir, that we are upon the very threshold of a national calamity.

Who was the greatest President, save and except George Washington, that this country ever had? I say without fear of successful contradiction that Old Hickory, Old Blue Jeans, was the greatest President this country ever produced. When he was sworn in as Chief Executive of this great Nation, he came to the White House on horseback. He rode his horse out here, hitched it to a rack, and, dressed in a suit of blue jeans, walked into the White House and took the oath of office. How simple was that ceremony! How plain! If a man should do that today, he would be called crazy. Today there is too much gloss, there is too much glitter, there is too much gold, there is too much tinsel. If things continue for another quarter of a century as they have for the past twenty-five years, the statesmen of America will be wearing knee breeches with brass buckles, and powdered wigs, and when they go to the White House will be bowing down to semi-royalty.

We are going too fast. The world is moving too fast. We want to get money. Gold is God. Sir, what did the last Congress appropriate for the current expenses of this Government? If I remember the figures correctly, \$900,000,000, or thereabout. Nine hundred million dollars! Sirs, this is a sum of money which staggers the human mind to contemplate. Nine hundred million dollars! If you were to pile it up on this floor and let my good looking young friend, the Senator from Indiana (Mr. Beveridge) start to count it, and let him count \$2 a minute, and let him work as strenuously as the Senate itself works, he would be old as Methuselah before he could count half the money. Nine hundred million dollars appropriated to run the Government! Too much money, Mr. President.

What else occurred? In addition to the ordinary appropriation for the President's salary, \$50,000, you gave him \$25,000 to ride over the country on business trips and otherwise. I

speak of the President in most respectful terms. You not only did that, but you gave him sixty or seventy thousand dollars for something else—I do not know for what purposes—and altogether it takes about \$120,000 to support our distinguished President and his family. While I have the greatest admiration for Mr. Roosevelt, I understand he has only five children. I have him skinned a city block. [Laughter.] I have eight children, and it does not take \$120,000 to support me and my family.

Mr. President, why do I mention these things? To show the trend of the times; to show how the old ship of state is sailing; to show how gold is God. Sir, money today is all powerful. You know, every one of you know, that it opens the door of opportunity to all men; that the lack of it locks the door of opportunity to all. It opens the door to society and great functions. In some instances I am sorry to say that the doors of the Church itself are not opened so widely and so gladly to men in tatters and rags as they are to the man with money. Money is powerful. Everybody respects money. Whether a fellow ever expects to get a dollar or not he looks at it with awe and trembling. He walks up to it with a great deal of fear. He doffs his hat and tosses it high in the air at the sight of this great monster.

You say, sir, this bill is radical; this bill is extreme: it will tear up the business interests of the country; it will destroy confidence; it will ruin the Republic. I pause to ask the question, Will you destroy the Republic or will you destroy the trusts? "Choose you this day whom ye will serve," whether God or Mammon. Are you going to serve the trusts or are you going to serve the people? "Wake up." Sir, disturb business relations; disturb business conditions. If it is necessary to save the Republic, I say disturb anything, disturb anybody.

I know, sir, that business is easily frightened. I know, sir, that money is timid. I know, sir, that there are a great many interests in this country that do not want any radical changes; that would rather submit supinely and let present conditions alone, no matter how harmful or how hurtful, than to disturb business conditions. The cry of disturbing financial conditions and business relations is too often the shield behind which cowardly public servants hide themselves when they are called upon to face an outraged constituency. You say the bill is too drastic, too strong; it would really accomplish the intended purpose if it is passed; it would really destroy



**FORMER CONGRESSMAN S. BRUNDIDGE.**

Who is one of the Ablest Debaters in a  
Campaign in Arkansas.



the trusts. Can anything be too strong that will reach the seat of this disease? The trust on the body politic is a cancerous sore just as is a similar sore on the human body. The only remedy is the surgeon's knife. Take it. Cut it out by the root. Destroy it before it destroys the human body. If a Senator on this floor should see his child, the loved one of his heart, in danger of being bitten by an adder, would he strike with fear, would he strike with trepidation? No, sir. He would strike to kill. He would strike to destroy. That is what this bill means; that is its object; that is its purpose. And I tell you, Mr. President, that if I could get the assistance, as I know I can, of the Democratic minority of this august body, the Senate shall not deride and put to sleep a bill that has for its object and purpose the destruction of this great evil. If there is any power in the Democratic minority, if there is any power left in Democratic Senators, this bill has got to be brought back here, if I can see that it is done or if the minority can. It has got to be reported, favorably or unfavorably, and it must be fought out on the floor.

Mr. President, I say there is something wrong. Our fathers did not intend this when they framed the Government. Let us stop and study the history of our Government for just a moment. Let us study its objects and purposes. Let us see just what the fathers did intend. Sir, they intended that the people should rule this country. They did not intend that the creatures of the law should rule. They intended that the sovereign people should be all powerful, and in their hands they vested all power except that which is especially delegated to Congress.

Our fathers started out in this matter of Government-making. They were on a rough sea, I say. Their course was upon unknown waters. But, thank God, they wrote a great declaration. They wrote the most immortal document that has ever been conceived by the human mind, or that was ever penned by the human hand. What was that declaration, Mr. President? What was that document? The great Declaration of Independence itself. That document declares certain immortal truths, the most important of which, in my judgment, are these: That document guarantees to us certain inalienable rights, rights that can not be transferred, rights that can not be alienated. These rights are life, liberty, and happiness. Did I quote that document correctly, Mr. President? No, gentlemen, I misquoted it purposely, that I might call your attention to its meaning. That great document declares that all

men are created free and equal. When we come from the plastic hand of God we are all equal; none better, none greater than another. It declares that we are endowed with these inalienable rights—life, liberty, and happiness. I infer from that language that by “pursuit” our fathers meant that we might run after happiness; that we might chase happiness; that we might overtake it if we could.

Happiness, sir, is a condition desired by all men, whether rich or poor, whether high or low. That is the ultimate object; that is the highest and best ambition of man—happiness. Our fathers did not guarantee to us happiness itself. They guaranteed to us the right to pursue happiness. I infer that that meant a fair pursuit, that that meant a fair race, that that meant a fair chase. I ask you, is that true in this Government today? It is not, Mr. President, in my humble judgment. The rich man’s boy, the trust magnate’s boy sails upon flowery beds of ease, while the boy of the laboring man from the very start of the race of life is handcuffed, manacled, and chained. I say the door of opportunity is not today open to all alike, as the law intended and as the law should be.

Go with me, please, to the shops and the field. Go with me to the laboring man. Wherever he goes to provide the necessities of life he is met by the tax-gatherer, sent by the trust magnate. The cotton on my shirt is produced by a trust. The leather in the shoes of my good-looking friend, Mr. Beveridge, of Indiana, is produced by a trust. The wool in this coat is produced by a trust. Everything that one can imagine, whether a necessity, a comfort, or a charity, is in a trust. Sir, the Holy Bible itself is in a trust, and when you hear the Chaplain read from that blessed book every morning, he reads from a book made by a trust. Everything that I can imagine is in a trust except acorns and persimmons. Those are all that are left for the poor people of this country.

Mr. President, stop, study, and think where are we going, whither are we drifting, where is our Government tending? When the laboring man takes his bucket or his basket and goes to the beef shop to get his beef he pays tribute to Armour. When he goes to a wire or steel shop to get wire to make his fence or to get nails he pays tribute to the wire or the nail trust. When he goes to the coffin shop to get a coffin to bury his baby he pays tribute to the coffin trust. When he goes to church on Sunday he hears the words of the blessed God and listens to the divine doctrine expounded from a trust-made Bible. Has not the G. O. P. got this country in a nice mess—

the wealth of the country concentrated in the hands of a few men, the great masses, the mighty millions, paying tribute! How true the declaration of Mr. Lincoln; how well he foresaw and foreshadowed coming events.

Mr. President, this is a great subject. Would that I had the power to handle it as it justly deserves. The people of this great country are long-suffering and patient. God bless the laboring man of the country. God bless the man upon whose shoulders rest the burdens of the Government. He bears its burdens in times of peace. He supports and defends it in time of war. God bless the man with the hickory shirt and the overalls, who works, toils, and sweats.

Mr. President, I find in Holy Writ that the Master says work is honorable. The Master says: "Go into the vineyard and work." I find, nowhere, sir, a permission to go into the vineyard and corner all the grapes and become so rich and opulent that when the Master comes you can defy him and turn him from the garden.

Sir, stop, study, think. Whither is our Government drifting today? If the trust magnates are not wiped off the face of the earth; if they are not destroyed, instead of the Government prescribing the conditions upon which they may do business, they will be telling you directly how the Government shall do its business. Is that true or not?

### III.

#### WOULD SEND TRUST MAGNATES TO PRISON.

Mr. Littlefield gives about 400 industrial trusts, with a capital amounting to something like \$9,231,000,000. The trusts today are telling the Government how to do business instead of the Government telling the trusts how to do business. It is said that "we fined Mr. Rockefeller at Chicago in the great prosecution there." Yes; we did; and Mr. Rockefeller's testimony, if properly reported by the newspapers of the country, amused me very much. Mr. Rockefeller said, "I do not know just exactly whether I am in a trust or not. I do not know whether my business bears the earmarks of a trust or not. In fact, if your honor please, I have not been in my place of business for a number of years." Sir, if you will pass this bill, if you will enact this penalty, prescribing a penitentiary sentence of not less than five nor more than twenty-one years, Mr. Rockefeller will go down to his business place every morning. [Laughter.]

Fear of a penitentiary sentence is the most awakening thing on earth. It will wake up Mr. Rockefeller. He will go down and say, "Boys, let us see about this thing. Have you really got a trust here?" What does he care for \$29,000,000? By one simple twist of the wrist, by one simple manipulation in the trust market, he grinds from the American people twice \$29,000,000 and goes off smiling. He has the smile that never wears off. In order to ease his conscience he and some of the other trust magnates make large contributions to charities, thereby endeavoring to cover up the fact that they have taken the very money which they contribute from the toiling masses of the American people by a wrongful system of enforced contribution to their wealth. Sir, stop, study, think. The trusts are directing the Government today. The Government is not directing the trusts. We have but to go to the testimony of Mr. Harriman, the great railroad magnate, who tells us that he contributed \$200,000 to the campaign fund in the last presidential campaign. It is true Mr. Cortelyou denies it, but I take it that the evidence is indisputable. But the trusts of the country are dictating the terms, not the Government.

I hold in my hand a letter. I do not care to disclose its author, neither do I care to disclose to whom it is written, because it is a private communication; but it is from a banker in my State and was written to an eastern bank. He wants to know if he can get some money—a sum of money that the bank itself had deposited in the eastern bank as a reserve to draw against. The eastern bank replies—this letter is under date of November 23—"No; you can not get any money from us; not even your own money. Things are tight; things are close. But we will go out into the market, and we will buy you some money at 3 or 4 per cent premium."

Mr. President, stop and think of that for a minute. Eighty-nine millions of people—the greatest upon God's green earth—with a country abounding in natural resources that can not even be estimated or guessed at, much less computed; a brave, courageous, generous people, with a Government established for their protection and their preservation, reduced to the mean and groveling necessity of going out and buying money—buying the thing which the Government should make; buying the thing which the Government should control—buying money! Is it any wonder that our distinguished President, seeing the trend of the times, looking into the future, seeing the rocks of Scylla and Charybdis, seeing the danger to the old ship of state, took off the dollars the motto "In God we

trust?" It is time to take it off. It is time to disconnect God Almighty from the dollar when you have to go out and buy it. Who ever thought of it? Let the fathers in their spirit hover over this Government and protect it from the money sharks who would destroy and uproot it. Buying money! I want to meet some Republican Senator before the most elite audience of the East some time and discuss the proposition of the Grand Old Party buying money. Oh, we have come to our last extremity. The trusts are controlling the Government. The trusts are running it.

I do not want any money that I have to buy. I do not like that kind of money. I want money issued as the Constitution of this Union declares it shall be issued—by the Government itself—and circulated among its people. I do not want any trust money. I wonder what the Grand Old Party is going to put on the dollar. They do not trust in God any more. I wonder in whom they do trust. [Laughter.] I wonder where you are going, gentlemen, to get your trust. That is the biggest trust I ever heard of.

Mr. President, there is another combination. I am taking up more time with these brief remarks than I intended in the beginning. There is another combination that is closely allied to the trust evil. It is a voluntary association of persons, not incorporated, and it does not come strictly within the legal definition of a trust, but its operations and its tendencies are just as harmful and just as hurtful, and while it could not be brought strictly under the provisions of this bill, should it become a law, still the trust question can not be discussed without discussing its twin sister—the stock exchanges of New York and the great cotton exchange, if you please.

From Mr. Moody's Manual of Industrial and Miscellaneous Securities I find that the Stock Exchange of New York is a voluntary association and not incorporated. I find, sir, that they have eleven hundred seats there—never more, never less. I find that these seats sell at varying prices. They sold in 1870 as low as \$14,000. They sold in 1895 as high as \$95,000. They have sold at \$84,000, they have sold at \$38,000, and they have sold at other amounts.

What is a seat on this board of exchange, Mr. President? It is an opportunity to get on the ground floor for the purpose of controlling the price of the commodities of this country. That comes very nearly being a trust. That very nearly comes under the prohibitions of this bill.

In the Stock Exchange of New York eleven hundred men pay as high as \$95,000 for their seats, for what? To pilfer and rob the people of the country of their products.

Sir, I hail from that section of the Southland where cotton is king. God Almighty has given us a corner on the greatest commodity upon the face of the earth—cotton. I, sir, would like to take you today in your imagination to the cotton fields of my section. There I could show you little children not larger than that little page, thinly clad, on frosty, cold, freezing mornings picking cotton with their little frosty hands. Sir, those children are just as dear to the hearts of their parents as are your children dear to you and as my children are dear to me.

Do we in the South control the price of this product? Have we the power to control it? I answer no. It is controlled absolutely by the stock gamblers and by the thieves of Wall Street.

Mr. President, 75 per cent—yes, 90 per cent—of the business of that exchange is purely speculative or gambling business. Knock out the speculative feature, destroy the gambling privilege, and the cotton exchange dies of its own weight.

Mr. President, at some other day at this session of Congress I hope to introduce a bill having for its object and its purpose the destruction of that great evil, and I hope that it may have at least the respectful consideration of the majority of this body.

Sir, do the parents of the little children in the South control the price of this product? Do they control the price of cotton? I say, sir, to you they have got no more to do with it than an unborn babe, except that they make the crop and carry it to market.

Who controls the price? These fellows just over here in Wall Street. The stock gamblers do it.

We raised last year in round numbers 13,000,000 bales of cotton. The stock exchange of New York sold from six to ten times as much. Seventy-five million bales is the lowest estimate I have seen. Yet I am told that this manipulation of this board of exchange does not control the price of this commodity. I say it does.

Ah, sir, thank God the laborers of this country are organizing today. From Maine to California, from Cape Cod to Kalamazoo, they are getting ready for a fight. This is going to be a great fight. It is an unequal fight. Upon the one hand we have trained men, we have trained financiers, we have money,

we have wealth. On the other hand, we have the poor of the earth, with all the best of the earth at last, but untrained and unskilled in this character of warfare.

Ah, Mr. President, this is going to be a fight, and I hope the day will soon come when we can see the stock gamblers of New York in felon's stripes. Why, sir, the penitentiary house would be a summer resort as compared with what they ought to have if they had their just deserts.

Do you tell me that those men do not control the price of our products? The man who asserts that brings down on his own head the ridicule and the contempt of the stock gambler himself, because that is their boast. That is what they claim. What they want to be known as doing is controlling the market. Knock out their gambling, I say, and they drop of their own weight.

Ah, Mr. President, in the southland we are organizing. We are organizing fast. We are organizing quick. We are demanding of the powers that be that the poor people of the earth shall have a just recognition of their rights in the great administration of public affairs. Sir, I would that the laboring people would organize all over this land, no matter whether on the great railroad thoroughfares, in the printing offices, in the shops, in the factories, or on the farms. God speed the day when their organization will prove so strong that Senators on this floor will turn to them eager and anxious to know their desires and wishes.

As I know, the best way on earth to control a politician is just to get the public behind him. I know two or three men down in my State who have absolutely worn the right ear nearly off holding it to the ground listening for the expression of public sentiment. I say when the labor organizations of this great country get to that point where they can command respect, then there will be a change in the sentiment of this august body.

Ah, Mr. President, I am for the under dog in every fight. I do not care what kind of a dog fight it is. You can just pick out your kind of dog, and every time you see a dog fight you may just swear that Jeff Davis is for the under dog in that fight. I am for him every time.

Sir, I hope the day will come when these labor organizations may be strong enough to cope with this great evil. We of the South are starting right. We are organizing. We are getting together. We are demanding just recognition, and I believe we are going to get it.

Sir, this panic, in my humble judgment, started by the trust magnates and their coconspirators and confederates, the stock gamblers, had no other object and no other purpose than to wrongfully take from the cotton producers of the South half of their property. They are trying to do it. You can not get money. You have got to buy money, you have got to buy cotton, you have got to buy products, you have got to buy everything from the trusts. I say, sir, it is an unequal fight.

May I get one ray of hope from the Republican side on this question? Is there one Senator on the other side who will dare to face their expressed policy and the public declaration of the Republican party and step across the line and give his hand and say he will help to fight this battle? Ah, sir, this is a just cause. It is a just fight.

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Sir, I wish to refer to the Standard Oil for just a moment, and will leave the stock question for that purpose. The Standard Oil of course is the old he-trust of the country. It is the one that has all the paraphernalia and the earmarks of a trust. I dislike Standard Oil. I hate the smell of coal oil. Petroleum makes me sick.

Sir, I ask today that something be done to curtail the great power of this monster trust, Mr. John D. Rockefeller's trust, the great Standard Oil Trust.

Repeating, I say that this panic had for its object and its purpose the taking of our crops away from us. What have we got down in the South? I appeal to every Southern Senator, aye, I appeal to every Southern man to stand ready for this fight. The poor laboring men of the South today are organizing. They are trying to stem the tide. They are trying to resist the force. They are trying to command a decent price for their products. They ask by petition, they ask by memorial, they ask through their Representatives that the Congress of the United States, their sworn servants, shall come to their assistance.

God bless the people of the South, my home land. God bless the people of Arkansas. Mr. President, I never expect to hold an office that shall not be given to me by the people of my native State. I never expect to hold an office that shall not be given to me by their generous hands.

When I speak the name of Arkansas, sir, I am swept with a flood of memories. It carries me back to my home with my wife and babies. It carries me back to the fields and the farms and the shops. It carries me back to a people ■■ brave, as

loyal, ~~is~~ true, and withal as intelligent as any people who live upon God's green earth.

They today ask for a respectful consideration of the bill that I introduce. I may present it awkwardly, I may present it without the necessary dignified address of Senatorial decorum, but, sir, the meat is there, the thing is there, and I want to know if the Republicans of this Nation can afford to go before the country in the great contest that is now on and say by their action on this great subject, "We do not intend to harm the trusts; we do not intend to disturb them; we do not want to disturb business." Can you afford to do it, gentlemen? Are you going to do it?

Is this bill going to be put to sleep? Shall that be its fate? Oh, if you do, I say to you today that as long as I have the honor to occupy this seat, as a peer of any Senator on this floor, this bill shall rise from its ashes; this bill shall rise to fret you, and you had just as well dispose of it now. You had just as well defeat it now, because you have got to beat it at last. You have got to beat it finally. If you want to go to the country with your publicly expressed declaration that you are in favor of killing trusts, and if you want to leave that pledge unredeemed, then I challenge any Senator from Maine to California, no matter where he is from, if he will get an audience of his own people intelligent enough to consider the merits of this bill, and there, sir, I will meet him, and we will fight this question out before his own constituents.

This is the bill which I present, sir, and I ask that it be referred to the Committee on the Judiciary.

THE VICE PRESIDENT: The bill will be referred to the Committee on the Judiciary.

## CHAPTER VIII

### SENATOR DAVIS'S SPEECH AT OZARK.

In a speech delivered at Ozark, February 18, 1908, in the interest of Judge W. F. Kirby for Governor, Senator Davis said:

#### I.

##### ANTI-TRUST LAW.

For the last six years I have fought for an effective, forceful anti-trust law in Arkansas, and for its honest and faithful enforcement. By your help and assistance my efforts were finally crowned with success. The Legislature of our State in 1905 enacted just such a law as we demanded, and the Supreme Court of our State sustained their enactment, but the enemies of the people, never slothful, always watchful for an opportunity to destroy whatever reforms may be accomplished, set about in an insidious, underhanded, clandestine way to destroy this law, and in 1907 we witnessed in our Legislature the most shameful violation of party pledges and Democratic precedents that has ever occurred in any State of this Union—the anti-trust law, which was written upon your statute books almost in blood itself, was torn into shreds, demolished, trampled upon by the subsidized press of this State and by the hired minions of corporate wealth. Before that foul and dastardly crime was committed by your Legislature, I met them in their assembly hall and warned them that the people of this State would rise up in their wrath and demand an accounting of their stewardship, and I swore then that their doings should be known, and I am here today to make that promise good. Ah, my friends, since this anti-trust law went on the statute books of our State, there has never been an honest effort made to enforce it, except by our present Attorney General. It has been bartered and sold, and hawked and peddled, hoping thereby to make it a stench in the nostrils of the people, hoping that the treachery and perfidy of your legislators who violated their party pledges might in some measure be overshadowed and forgotten, and in a measure condoned. Ah, gentlemen, I wish you could have been at that Legislature. I wish you could have seen the maneuvers of the trust agents and trust heelers, working for the destruction of that law—the great-

est, in my judgment, that has ever been written on our statute books, or on the statute books of any State in this Union. The trust agents were there—the trust heelers were there. Their mode of operation was somewhat changed from that employed by them in 1905. The services of Tom Cox and M. D. L. Cook, the noted boodlers and corruptionists of 1905, were dispensed with, and the so-called great lawyers of Little Rock were hired to influence, to cajole and to wheedle them into the destruction of this great law.

Rooms were fitted up at the Hotel Marion in the city of Little Rock, with champagne, whiskey and cigars; legislators forgot their people, legislators closed their eyes to their duty—they struck the fatal blow; they destroyed the law. Gentlemen, I come to you today and ask you, and I ask the sovereign voters of this entire State, to look up the record of every man in the Arkansas Legislature, whether in the Senate or in the House, that voted for the Lee-Browning bill in 1907, and see to it that they shall never again disgrace Arkansas in our halls of legislation. Friends, we have fought too hard, we have contended too long, we have accomplished too much, to have it ruthlessly stolen from us in the night time by a crowd of freebooters as wilful and determined as any band of pirates that ever sailed the high seas, and I come to you today to warn you against a repetition of this crime. The trust question, gentlemen and fellow-citizens, is the greatest question before the American people today. It will be the great leading issue in the national campaign, and upon its correct solution and proper presentation the Democratic Party, in my judgment, must win or lose the coming fight which means so much for the welfare of our country at large. Gentlemen, I promised you if you elected me to the United States Senate that I would let the trust magnates and trust agents know that I was in town when I got to Washington, and I come today to give you an accounting of my stewardship thus far performed. On the second day of advent into the Senate I introduced an anti-trust bill that will exterminate this great evil, if it shall be put into force and effect, and on the 11th day of December, nine days after I had been inducted into office, I bearded the lion in his den, the Douglas in his hall, and gave the trust interest of this country such a drubbing on the floor of that august body as they shall not soon forget. Ah, my friends, as your public servant I am in Washington striving and working day and night to carry into national legislation the great principles of government for

which we have fought so hard at home. While I am away shall these great principles be repudiated at home? Shall my influence and usefulness be crippled and destroyed? I come back to you today to plead with you to hold up my hands; yet the press of Little Rock would muzzle me, a few politicians would muzzle me; they say that Jeff Davis must not speak to his people; that he will deceive them, that he will misguide them. Ah, gentlemen, they know full well that if the people are properly advised and properly awakened on this great question, their chances for despoiling and tearing down the work we have thus far accomplished will be destroyed. The Arkansas Gazette, in a lengthy editorial of recent date, charges that I am only trying to strengthen my hold upon the people of the State of Arkansas and perpetuate myself in office.

## II.

### GUNS TURNED ON JEFF DAVIS.

Gentlemen, the opposition in the present campaign have turned their guns upon me. The fight is now waged, and the declaration openly and publicly made that if they can get charge of the State Government for the next four years they will then defeat me for my seat in the Senate. But, my friends, I am not awed by this threat. I know full well that my political life has been one continuous warfare from the time I started, and that it must be a warfare to the end. I know that the enemies of good government in Arkansas would destroy me if they could. I know that if I should sit quietly in my place and raise no hand against their machinations they would devour me as would a pack of hungry wolves. My friends, I thank God that this office was given to me by the poor man who toils, who labors, who earns his bread as God commanded, in the sweat of his face; the kindest, gentlest, truest people on God's green footstool, and when they demand that I shall surrender back to them the senatorial toga I will return it, just as I did the Governor's office, as pure and as clean as when they delivered it to me.

I defy this whole gang of high-collared roosters that are today seeking my undoing. I challenge them to the contest—I will meet them before the bar of public opinion and there fight out the issues involved in this campaign. I will not sit quietly in my seat in Washington and allow the work that I have been endeavoring to perform in the interest of the peo-

ple for the past six years to be destroyed by them. Ah, Mr. Chairman and gentlemen, they say that I should not raise my voice in the interest of Mr. Kirby for Governor; they say that this is intermeddling—that this is interloping—that the result of his election does not concern me. On one hand, gentlemen and fellow-citizens, they charge Mr. Kirby with being the Jeff Davis candidate; they brand him with what they consider to be a stigma, and by this they hope to array every anti-Jeff Davis man in Arkansas against him; then, when I raise my voice and ask my friends to rally to his assistance, to his support, the subsidized press of this State would raise its hands in holy horror, and say, "You are meddling in State politics—it is none of your fight."

Ah, my friends, I hope the day will never come in Arkansas when the welfare of the people of my native State shall cease to concern me, when the cause of the people and good government will not elicit my most earnest endeavor—my very best efforts. I want to say to my friends throughout the State of Arkansas that W. F. Kirby is the only candidate in this race for Governor who has ever been my personal or political friend. I want to say to my friends that he is the only candidate in the race who would carry out the policies and principles of government which I have inaugurated and which I yet hope to see succeed, despite the efforts of the despoilers. I want to say to my friends throughout the State that he is the only candidate in the race for Governor who is really and truly the friend of the common people of the State. I want to say to the people of this State that William F. Kirby is an honest, clean, pure, courageous man, that will make Arkansas one of the best Governors that ever occupied the executive chair.

### III.

#### GEORGE W. DONAGHEY AND BEN GRIFFIN.

If you have to beat Will Kirby, preserve the Farmers' Union. It has been said that your State Secretary, Mr. Griffin, is attempting to control this splendid order to promote the candidacy of George W. Donaghey for Governor. It has been said that he has been hired to deliver the votes of the Farmers' Union to this man for Governor. Whether that be true, or false, I know not, but I do know, my friends, that Mr. Griffin is in close touch with the men that compose this union, and I do know that he publicly says that he, indi-

ividually, is espousing the cause of George W. Donaghey, but that he is not doing it officially, as secretary of the union. Gentlemen, if you can separate Mr. Griffin individually from Mr. Griffin's official personage, then I would be glad if some gentleman would give me the distinction.

Ben Griffin, today, is trying to turn the Farmers' Union vote from its natural and normal channel to the support of Mr. Donaghey. Strange, indeed, it is, my fellow-citizens, if this is not true, that every Farmers' Union man in Arkansas has a copy of Donaghey's speech. Where did he get your name and where did he get your postoffice address? Things don't happen in this world by chance, gentlemen; but I thank God that Ben Griffin can't deliver the Farmers' Union to George Donaghey. I thank God that there are true and noble men in this great order that will not be driven like sheep to the shambles to be sheared, but will stand up like patriotic men and vote for the best interests of the country. If Ben Griffin is permitted to control and dominate your union, and turn it to the political advantage of any one, or any candidate, then I say, gentlemen, the sooner you get rid of the union the better it will be for the country; but I have encouraging news from all parts of the State that the Farmers' Union men are finding out Mr. Donaghey: they are finding out Mr. Griffin, and they are finding out that an attempt is being made to prostitute this great order for political purposes, and, like rats deserting a sinking ship, they are leaving the camp of Donaghey.

Who is Mr. Donaghey that he should receive the support of the Farmers' Union? Ah, my friends, I believe in unions. I believe that the laborers of this country, whether in the shops, at the carpenter's bench, upon the railroad trains, in the mines or wherever they may be, have the right to organize. I believe that it is their solemn duty to organize for their own protection and against the tyrannical oppression of capital. There should be a brotherly unity of action and sentiment between the various organizations of labor, no matter what their avocation may be. Capital is organized, and if labor does not resist its encroachment it will be bound and shackled, handcuffed and crushed; so I say, let the laboring men of this country organize, and organize quick.

George W. Donaghey is a contractor by profession; I charge, and it can not be successfully denied, that he has never yet in any contract that he has ever had employed union labor as his workmen. He is not in sympathy with

union labor. His every act has been against organized labor. He recently erected for himself two magnificent brick buildings in the city of Little Rock. He has erected for the various railroads of this State depots and public buildings, and on this work he has uniformly employed nonunion labor, and absolutely refused to give a union man a day's work, and that, too, simply because he was a union man. He is trying to make the farmers of this State believe that he is a friend of the farmers' organization, when he is the enemy of their brother laborers' organizations.

And I see in the press of the State a statement emanating from Ben Griffin's paper at Conway, saying that when I made a speech there in my race for the Senate I characterized George Donaghey as "Honest George Donaghey." I don't characterize him now as dishonest, gentlemen. It is stated further in this article that I should have said in that speech that he saved the taxpayers of this State \$800,000 in the attempted Statehouse steal. Gentlemen, I say to you today that never such words as these escaped my lips on this earth, and I brand the statement as absolutely false. I could not have said that and told the truth, because George Donaghey did not save the State \$800,000 in the attempted Statehouse steal, nor any other sum of money. Before he ever raised his voice in this matter, I was fighting these Statehouse thieves on the public hustings, in the courts of the country and in the Legislature. He was on the State Capitol Board when I became Governor; I saw that he had an itching palm to get charge of the Statehouse contract; I saw that he had a desire to be the contractor on that great building, and I know that in 1903 he put in a bid for the erection of the Statehouse, under the name and style of "Donaghey Construction Company."

Ah, my friends, who composed the Donaghey Construction Company? I charge today that it was composed of George W. Donaghey, Henry Ingram, his relative in Conway; Oscar Davis, the cashier of the German National Bank of Little Rock; W. W. Dickinson, one of the lessees of the convicts of Arkansas, and Thomas L. Cox, the old he-boodler and grafter of this State. Articles of agreement were drawn up, but never perfected. Donaghey was to have the majority of the stock; Dickinson, Davis and Henry Ingram were to have a certain per cent of the stock. Tom Cox was to receive his stock absolutely for nothing. For what was he to be used, my friends? By Mr. Donaghey. Legislation must be influ-

enced—Cox was a handy man to have as a partner. Donaghey failed to get the contract and his construction company was never perfected, never organized. Immediately he got a "sore toe," and he has been growling and fussing and fuming ever since about the Statehouse, following along in my tracks in a blind, uncertain, disconnected way, evidencing at every state of the proceedings that he was mad because he didn't get the contract to construct the building.

Then, seeing that public sentiment had turned this infamous steal, that I told you four years ago would remain as a stench in the nostrils of the people of this State, he leaps upon this tide of public disfavor, hoping that it may safely bear him to the executive chair. Gentlemen of the Farmers' Union, Donaghey is not your friend. He boasts today that he is worth \$500,000; that he began fifteen years ago as a hod-carrier, and claims that he made his money as the fruits of honest, legitimate toil. If he has made five hundred thousand dollars in fifteen years, he has skinned somebody, hasn't he? He hasn't made his money off the poor people of the country, because they had no contracts to let, but he has made his money off the rich people of the land, and if elected Governor, fellow-citizens, he would look up to the rich and opulent—the men who have given him his wealth. He would be as perfectly controlled by the ringsters and politicians of Little Rock, the Board of Trade, and George Russ Brown, as your little boy would be controlled by you, or my little boy controlled by me. Ah, my friends, I ask you to stop, study, think before this great calamity overtakes my native State.

George W. Donaghey should not be your Governor. He is flooding the State with his literature, written by paid attorneys, not willing to meet his opponents on the stump in open, fair discussion, claiming that he is no orator or public speaker, yet he slips and slides from place to place and without his opponents present, discusses, what he claims to be, the issues of the campaign. Gentlemen, I say to you today that I would not vote for any man for any office who did not have the manhood, courage and ability to meet his opponents face to face before his constituents and there fight out the issues between them. Stop, study, think, my friends, where are we going, whither are we drifting. I have no personal grievance with him. Some of his friends have been my warmest friends and most ardent supporters, but I know if he should be elected to this high office that the opposition will



**JUDGE W. F. KIRBY.**

Attorney General of Arkansas, Associate Justice of Arkansas Supreme Court, and Political Leader Whose Cause as a Candidate for Governor Jeff Davis Espoused in a Sensational Campaign in Which George W. Donaghey Was Elected.



have captured the State Government, and will laugh you to scorn after you have made your mistake.

A little story in Grecian mythology illustrates to my mind more perfectly than anything I can recall the candidacy of George W. Donaghey. It is said when the Greeks attempted to capture Troy and were unsuccessful they made a great wooden horse and filled it with armed Greek soldiers, left it upon the shores just outside the gates of Troy, and the Grecian fleet sailed away as if abandoning the conflict. The Trojans, firmly entrenched within the walls, having resisted every onslaught of the Greeks, saw them depart, leaving this curious evidence of their handiwork. Led on by curiosity alone, the Trojans ventured out and examined this wooden horse, and in order that the people within the walls might see and examine it they rolled it inside their gates. The sides of the old horse began to swell and vibrate, secret hinges and locks sprung loose, and the armed Greek soldiers hid within sprang out full panoplied for the fray, sounded the signal for their friends to return, threw wide the gates and despoiled that fair city. Now, I want to say to the Farmers' Union in this State that the ringsters and tricksters, trust heelers and trust magnates of Arkansas have left poor old George Donaghey standing solitary and alone just outside the Farmers' Union gates, hoping that curiosity may lead you to carry him into your fold and into the Governor's office, but I warn you that if this stalking horse of these interests ever crosses the executive threshold you will see creep from beneath the fold of his garments faces that haven't been seen in the Governor's office for six years; people that have been out of the breastworks; people that have sworn that Jeff Davis and Jeff Davisism must be destroyed. First to come forth will be Col. Joseph W. House; next W. E. Hemingway, the wet-nurse of the last Legislature; then will come George Russ Brown, who says that the Farmers' Union is a calamity to Arkansas; then will come the penitentiary gang; then will come the railroad interests; then will come the trust heelers and the trust magnates; and, looking away up in the burr of the ear of the great horse will be found poor little X. O. Pindall, the mouthpiece and representative of the penitentiary interests in Arkansas.

Gentlemen, don't be deceived—don't be fooled by this stalking horse. Stop before it is too late—stop before the enemy shall capture the citadel; stop before the gates are thrown wide open and the city destroyed.

In 1903, when Donaghey put in his bid to build the State Capitol, no one ever thought that he would be the Governor of Arkansas, or ever dreamed for a moment that he would be a candidate for this high office; hence there was no secret made, and no reason for secrecy, as to who were to be his partners in this contract, provided he got it, and it was thoroughly understood in the city of Little Rock and openly talked on the streets that his partners were to be Henry Ingram of Conway, Oscar Davis, cashier of the German National Bank of Little Rock, who was to finance the affair; W. W. Dickinson, the penitentiary convict lessee, who was to furnish the brick and material, and Tom Cox, who was to control the Legislature. Of course, Donaghey didn't get the contract and the articles of agreement between these men were never fully perfected.

Ah, my fellow-citizens, I call your attention to the denial which Donaghey has recently published as to this matter. Mark his language. He says he never was a partner with Tom Cox in any transaction, and that if he were a partner with Cox he ought to be defeated for Governor. Of course, in the abstract he tells the truth in this statement—he never was the real partner of Cox, because his bid to build the State house was never accepted, and the contract between him and Cox and his associates was not completed; but he does not say in his denial that there was not an understanding and contract that he was to be a partner with Cox, Dickinson and Davis if his bid had been successful and he had received this job. Mr. Donaghey now admits very nearly this whole transaction in private conversation with reputable men, whose names I can give on demand, that he did put in a bid to build the State Capitol, under the name of the Donaghey Construction Company. He admits that Henry Ingram, at Conway, was to be his partner, also Oscar Davis of the German National Bank and W. W. Dickinson, of the brick contract notoriety, and admits further that Davis suggested to him the propriety of having Tom Cox associated with them for the purpose of controlling legislation. Of course, he says he scornfully refused this suggestion of Davis, but my friends, would you expect him to plead guilty to this charge—would you expect him to admit his connection with the boodlers of Arkansas? If he did admit it—if he should plead guilty, he had as well go home and quit this race, because the people of this State will never vote for any man whose skirts are

contaminated by association with Tom Cox, or any of his boodling gang.

Ah, my friends, why didn't Mr. Donaghey come out and unbosom himself as to this whole transaction? Why has it been necessary for me to disclose these facts in this connection? In his denial, when Mr. McFarlane made this charge, why didn't he tell the whole facts in the case? Why does he sit back and flippantly say, "I am worth \$500,000; I make this statement, and, if you don't think it is true, sue me. Any judgment that can be obtained against me would be good," flaunting his money and his wealth in the face of the people, when he ought to take them into his confidence and tell them the whole truth about this matter. This is too important a matter, my friends, to pass by with a wave of the hand; this is too important a matter for Mr. Donaghey to expect the people of the State to accept his theory, simply upon his mere denial. If McFarlane has told a lie on him, then McFarlane says he will accept service of summons, and answer within five days, and bring into court Davis and Dickinson, and his other partners and prove the truthfulness of the assertion, but I don't need McFarlane's word to tell you that this is true.

You say, what proof have you of it, Governor? I challenge Mr. Donaghey to get an affidavit from Oscar Davis or Hon. M. A. Austin, an attorney at Pine Bluff, both honorable business men that will not lie, that these facts are not true. They both know that they are true and will swear it in court; and, besides, I tell you that I was Governor of the State of Arkansas at that time, and I knew pretty generally what was going on around Little Rock with reference to the State Capitol. I tell you that it was public talk, and never denied by Mr. Donaghey until he became a candidate for Governor, when it was to his interest to deny—it meant his defeat if he did not deny it. Ah, my friends, I tell you that you are treading on dangerous ground when you elevate this man to the high office of Governor and place in his hands the power and prestige of this great position.

#### IV.

##### PAYS HIS RESPECTS TO GOVERNOR PINDALL.

Referring to Governor Pindall in his speech, he said:

He goes further than this. He holds a secret meeting at Memphis with the representatives of O. C. Ludwig, Secre-

tary of State, and other officials and brings before them the local politicians of several counties in Eastern Arkansas, where the Republicans and Independents are strong, and says to these politicians who are candidates for office, "If you don't bow down and worship at the shrine of Donaghey—if you don't draw your knife and stab to death Kirby and his friends in your several counties, Mr. Ludwig and I, who are a majority of the board to appoint election commissioners, will appoint such commissioners as will count you out and defeat you in the September election. It is well known to everybody that a few counties in Eastern Arkansas are doubtful in the September election as between the Independent and Republican and the straight Democratic ticket if independent voters should unite with the radicals. Pindall, in order to intimidate the timid office-holders of these particular counties, used his official lash and the lash of O. C. Ludwig, threatening their downfall and destruction if Kirby were elected in their counties.

In certain counties in Eastern Arkansas whiskey is counted in or counted out at will, and he openly threatens that he and Ludwig will appoint such commissioners as will best serve their purpose on the liquor question if Kirby isn't defeated. Don't this look railoady to you, fellow-citizens? Ah, my friends, I am deeply interested in the St. Francis Levee District, and some of the warmest, truest, best friends I ever had in my life live in this great basin. I would not do one thing to hurt them, or their political fortunes, and I don't believe that they will be sold like slaves upon the block to satisfy the whims of any man.

Since I have been your representative in the National Congress I have attempted to make good my promise that the Government should take charge of the levee interests of Eastern Arkansas; shall pay the debt the people have contracted for this great improvement and that the Government shall maintain and support these levees at her own expense, and I have entered a bill to this effect, and I frankly and candidly say to you, today, that this is a new idea, that some of the Senators interested along that great Fathers of Waters, and while I may not be able to pass my bill at this session of Congress, because the Republicans, as is their custom, get foxy just before the Presidential election and do as little as possible to jeopardize their chances of winning in that great contest. But I will put into the fight to pass this bill the same energy and persistence that has characterized my efforts

as your Governor, and I hope and believe that my efforts will be crowned with success.

How much better is this for the taxpayers of Eastern Arkansas? Already their property is burdened with a tax of eight cents per acre and a heavy debt of a million dollars hangs over their heads as a lien upon their homes itself. Gentlemen, the great Mississippi River is a public thoroughfare, is the great artery of trade and commerce. The movement that has been set on foot by the Deep Waterway Convention that has been held at various times and places has called to the attention of the National Congress the importance of this great highway. My colleague, Senator James P. Clarke, is a member of the Commerce Committee of the Senate, which has the matter of the appropriation for the improvement of this great thoroughfare in their hands and control, and I know his sentiments along this line so well that I feel safe in speaking for him, that he will bend his every energy and every effort, not only for large appropriations for river improvements, but is heartily in accord with the idea presented by my bill. Gentlemen, while I am in Washington as your representative fighting for these great principles, working to carry out your wishes in this behalf, will you see my efforts thwarted, will you see my energy and endeavor crippled, will you see my hopes and aspirations destroyed by allowing such a man as X. O. Pindall to barter and trade off your birthright, to bulldoze and browbeat your citizens into humble submission to his dictates, when that dictation leads you into the camp of the penitentiary crowd of Arkansas? It leads you into the camp of the railroad interest, and forces you to vote for a candidate who will feel himself under obligation to these influences and will be compelled to carry out their mandate.

Gentlemen, individual voters of the St. Francis Levee Basin, stop, study, think, before it shall be everlasting too late.

Another matter, fellow-citizens, to which I desire to call your attention is this "Sister" Hinemon has no chance in this race. If I were cartooning him, I would present him holding a negro baby in his arms with a placard across his back, "Exempt from taxes." Bob McFarlane is not even in the running and will not even be an "also ran." The contest in this race is between Bill Kirby, on the one hand, and George Donaghey on the other.

## V.

## AN APPEAL FOR JUDGE KIRBY.

Ah, my friends, I hope the day will never come in Arkansas when the welfare of the people of my native State shall cease to concern me; when the cause of the people and good government will not elicit my most earnest endeavor—my very best efforts.

The farmers of Arkansas have always been my friends; they know that through thick and thin I have been their friend; they know that I have stood the ridicule, the jeers and the taunts of the press of Arkansas and the trust magnates and the trust agents and have fought their battles against odds which at times seemed overwhelming.

Ah, my friends, I am told that the Farmers' Union of Arkansas is against Mr. Kirby. I am told that the tillers of the soil are against him. Of all the men on earth that ought to support him, these are the men; they should give him their hearty support, their hearty endorsement. He has done more in one swoop for this good order of the Farmers' Union than any other candidate in this race could do in a thousand years. He has sustained our laws that has driven from our borders these vampires that suck the very life-blood from the toiling masses of the earth.

We are to have a Presidential campaign in this good year of 1908. The Republicans will meet at Chicago and nominate, in my judgment, Theodore Roosevelt for a third term. The Democrats will meet in the far West in July and nominate that matchless leader, that fearless champion of the people's rights, William J. Bryan, of Nebraska. The lines will be drawn, the choice will be made. Ah, my friends, the Republicans already have their eyes on Arkansas, not with the hopes, perhaps, of capturing it from the Democratic column, but with the hope of largely reducing our Democratic strength.

Who are the Democratic candidates that now seek the nomination that best carry Democratic flags? Who are the Democratic candidates for Governor who best represent the Democratic Party, not only in Arkansas but of the Nation itself? William F. Kirby, my friends, the friend of the plain, common people of this State. Gentlemen, do you want the flag of Democracy to trail in the dust? Do you want to feel humiliated and discouraged in the next campaign by putting George W. Donaghey forward as the standard-bearer

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of Democracy and having to call upon a substitute to meet his opponent on the stump? I am a Democrat from the crown of my head to the sole of my feet, and if Donaghey is the nominee and my services are demanded I am willing to campaign every county in the State in his interest to beat a Republican; but, gentlemen, why bring about this necessity? Why bring upon us this chagrin, this mortification? Why elect a man Governor of our State that can not properly and fittingly represent us in a foreign State upon a great occasion or that can not meet his Republican opponent upon the hustings? Gentlemen, I call your attention to these things that you may ponder them well before you make this mistake of this campaign. Ah, my friends, I am in earnest about this matter. My whole soul is wrapped up in the welfare of Arkansas and her people. Here I was born, here I expect to die and be buried by my good father in the little cemetery at Russellville. All my interests are here, everything I have, everything I hope to have, every heart throb, every ambition of my life is clustered around and centered in the future welfare of my native State.

## CHAPTER IX

### ANTI-TRUST SPEECH IN THE SENATE.

#### I.

##### To DISCHARGE COMMITTEE ON JUDICIARY.

The Senate having under consideration the following resolution submitted by Mr. Davis April 28, 1908—

*Resolved*, That the Committee on the Judiciary be, and the same is hereby, discharged from the further consideration of the bill (S. 100) to suppress pools, trusts and combinations in trade and to provide penalties for violations of its provisions, and for other purposes"—

Senator Davis delivered his great speech on the "Suppression of Trusts" in the United States Senate, May 1, 1908.

##### Mr. DAVIS said:

Mr. President: The resolution introduced by myself seeks to discharge the Judiciary Committee having in charge Senate Bill No. 100, introduced by myself on the 4th day of December, 1907, from the further consideration of said bill, they having failed to report it to the Senate, and I ask that said bill be laid before the Senate for its consideration, and with the indulgence of the Senate, I shall give my reasons for such resolution, and that there may be no doubt as to the reasons given, and that no intemperate or unguarded language may escape my lips on this occasion, I have chosen to do that which I have never done before in my life—committed to writing the things of which I speak on this occasion.

Why shall this bill not be reported by the committee? Can any Senator of the majority give me a valid, intelligent reason? Does the bill not accomplish in legal effect the evil at which it is leveled, or is the majority, the Republicans in this Senate, just preceding the Presidential election, afraid to meet the issue before the American people involved in this bill, namely, the suppression of trusts, pools and combinations in trade? Do they prefer to go before the American people in the coming contest, notwithstanding the fact that the President of the United States has insisted upon legislation along this line, with no bill passed, no legislative effort made looking to the relief of the people against this monstrous evil? I say to the majority today, however much they may dread the issue and however much they may delay it, it will not down. The people are demanding relief along this line, and, like Banquo's ghost, it will rise in the coming campaign and in coming years to fret you.

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Except in so far as a proper discharge of public duty meets virtuous approbation, I have little ambition to attract attention to myself or to what I may do. To the importance of the present bill I therefore turn as an excuse, if excuse be needed, for venturing again so early in my career as Senator to consume the time of the Senate. And within the abounding virtues of that measure may I not hope to sink, at least for the time, whatever deficiencies I myself may personally possess; for, sir, even if mere applause were, under any circumstances, desirable for its own sake, still my own untrained abilities, when tested here, constantly warn me that only a plodding directness of speech, unadorned, is the unenvied lot to which alone by nature I am assigned. It is known to the Senate that my service upon this floor has just begun, nor would I seem to disregard your staid and dignified customs, or lack at all in respect for whatever usage has indicated as decorous and seemly. Under other circumstances I would yield to a natural inclination and defer addressing the Senate until time had matured my tenure of office; but I deem the bill now before the Senate too important, too vital to my country; delay, sir, would prove fatal to it. But for that, I should most likely defer to that long usage here which in some quarters has been thought needful as probatory for new Senators. My cause alone, then, I trust will acquit me of presumption. Indeed, Mr. President, earnestly devoted to what seems to be of transcendent importance to the people, Senators will not, I pray, believe me too forward if, indeed, I shall note conditions which provoke need of this measure. Not that I propose argument, or that argument is deemed necessary; none, absolutely none. The arguments, sirs, have all been made, all of them. Not here? Not in this chamber? Ah, that asseveration may be true. As to that personally I do not know. Austere, staid, ultra-conservative, the Senate may not have given ear to all that has been heard, or all that is being resolved by and among those whose backs are straining and bending under the weight of government.

Arguments, sir, indeed, which justify, aye, which demand the passage of effective anti-trust legislation, are being made daily, hourly made throughout the land. Not in words, in gifted speech, not by leading statesmen and orators, no; most generally, no; not in classic rhythm nor word vaporings always. For all such, sir, for the most part, are against us. Here and there, it is true, a brave soul cries from the watch-towers and his great eloquence, like the voice of a bell at sea,

is resonant, clear, and loud, amidst the befogged and rolling waters. But, sir, would you hear the muffled swish and sob of the undertow, hear the moan, the deepening roar, the fitful slash; hear the grinding, thudding beat upon dark and desolate shores. Ah, sir, in poverty, in unrequited toil throughout the land, conditions consequent upon discriminating laws, are the arguments made. Moreover, these are arguments within themselves, sir, which gifted speech can not turn. The sad plight of the people everywhere in comparison with the unholy acquisitors of your policies, are arguments which storm the very citadel of national justice. I hope here to note only some of these conditions. The Senate, I hope, has not deemed me so vain as to attempt to offer anything new, or even to present old arguments more eloquently or otherwise in stronger or better lights. There is not only nothing original to be offered, but, Mr. President, to drone away time upon this floor in restating, upon the one hand, what all so well know, or, upon the other hand, by embarrassing this bill with tedious technical criticism, were crimes, red-handed, against decency itself, say nothing of the patient suffering of our people. My wish, therefore, at this hour is not argument, but action. Still, did I not believe such a course unnecessary, I should attempt a detailed analysis of the measure; for, in my feebleness, I would attempt whatever is within the energies of man to strike down those causes which are grinding into dust all that is best in this Republic. But, sir, as I can see, detail is unnecessary. To pursue it would be so much time lost. The bill has been printed. Every Senator has had or may have had a copy of it. It has been upon every desk in this chamber. Its terms are plain, simple, direct, and ample. And, too, all have read it or may read it unless there be those amongst us wholly given over to fiddling while torrents and tempests of fire deluge the streets of Rome. This bill, sir, is calculated to be most effective. But I challenge Senators to make issue upon any provision of it if anywhere it may be made better, pointing in good faith to its defects, if such there be. As to its salutary purpose, there can be no division of opinion. Directed, without ambiguity, against trusts and conspiracies which infest our commerce, evils, sir, that have sprung up, grown and fattened under favor of Republican laws, impoverishing labor and robbing the farm of its annual substance, and dominating in all enterprise until liberty itself is stifled. I earnestly beseech Senators to lend to this measure most thoughtful attention.

## II.

## PENALTIES ARE NOT TOO SEVERE.

Ah, sirs, it has been suavely suggested that the penalties proposed by this bill are unusual; that they are too severe. True it is that heavy fines are provided; true, it is intended to confine malefactors of the class defined by its terms in penitentiaries. For myself, sir, I see no objection to those provisions. Sensible, too, of the general tone and temper of this body, I can but hope that, as to this, no Senator can be found who does object. Ah, sir, upon what are such objections founded? The crime, what crime save treason itself more vitally threatens, not merely domestic felicity, but the security of free institutions? Trusts! Has any one been so bold as to deny that they, those who conceive and execute them, are robbing the people? Robbing, I say; and what, pray, is robbery? A thief is a thief, is he not, sir? These insolent predators for years have surreptitiously filched from industry and labor indiscriminately until their aggregate booty runs far into the billions. Billions, sir, I repeat! Methuselah could not have counted it by dollars in twice his lifetime. Adam, indeed, had he survived till this day, and computing a thousand dollars every minute since his expulsion from Paradise, must have lived 50,000 other years to have completed the task. Let no one take alarm; these are conservative estimates. Upon what pretext, therefore, do we hear the word "severity" deftly connected with what is so justly proposed as punishment for so great a crime? No; let trusts and trust magnates be placed precisely upon the same level of infamy as other thieves; let them be punished with unerring certainty according to their crimes. Ah, what is the true significance of this deft suggestion? Whence comes it? Resting upon the false basis it does, the suggestion is an insult to intelligence and an affront to the spirit of American institutions. There is not and there can be naught in mere wealth, nothing in so-called "station in life" to excuse or palliate. What odds in "station," Mr. President, if one be an enemy to society, a felon in every moral aspect? Away, then, with considerations so unworthy of honorable men. A thief is a thief, and so, I affirm before all mankind, that trusts and trust promoters deserve the consideration which becomes thieves. "Station," "wealth," indeed!

If the poor steal, are not the poor punished? The hungry, the halt, the sick, who has excused from punishment these, although in extremity demands of humanity may sometimes force appropriation of the necessities of life? Yet this is a crime; for such is the law. Who, then, I ask, would soften the same punishment when it is proposed to visit it upon the rich thief, whose very crimes, indeed, have made him rich? Ah, Mr. President, my estimate of this body forbids the supposition that a single Senator may be found who is so sensitive, so blind to what is just, as that. There is no severity; the terms of the bill, in the light of criminal codes everywhere, are temperate and conservative. An ordinary horse thief is as severely punished in most of the States. Besides, sir, penitentiary walls, what terrors have they for honest men? And even those now guilty, they with all their booty, may, if they will, escape so horrible humility. If the rich and patrician would avert it, there is an easy road. Let them forego brigandage, abandon villainy; they have, then, but to seek forgiveness for the past before the throne of heaven.

That there are imperfections in this bill I do not question; but I am sure, if any, they are of a minor character, though I know of none. The best legislation, sir, must be perfected by trial and experience. Let the Senate enter upon a trial of this. It will at least begin what has been deferred far too long—so long, Mr. President, that not only has untold treasure been swept away forever, but that predatory wealth has become eminently perilous to the Republic itself. I beg the Senate, therefore, to pass this bill. Delay at this late day will prove most disastrous to it.

Procrastination will but afford its enemies time to fortify against it. Or do you wish to wait until the trusts themselves or their friends give to it their assent? They do not ask this bill. Naturally neither do their friends want it, and now there is nothing left to them, if it be not objection and obstruction. Secretly or more openly, all who are in sympathy with "high criminality" will object and obstruct. Less, the country does not expect. Naturally, furthermore, it will, I have no doubt, be their tactics by indirection to overthrow it. No one looks for open, doctrinal attack, though each day adding to their power and audacity, these giants in rapacity have grown most bold and daring. But we expect them, true to stealth, to adopt the surreptitious assault; to hear from them feigned professions of regard and love, seeking tenderly (?) only to cure by amendments, assumed defects.

These, or similar methods, I am informed, are generally the resort of those who would strangle legislation proposed in the interest of the people. But, Mr. President, the trusts have no place in this chamber; and shall we not refuse to be deceived by trust lobbyists and agents about this Capitol? Shall we cower or fear their taunts and jeers; tremble before their poisoning mouth or biting pen; shall we hide from the fury of their long-pampered pride? Ah, Senators, well you know that, laying wait for the halting and timid, is a debauched, mercenary press, who with false, but seductive or more dire and threatening, arguments heaped upon desks here, undertake to intimidate the American Senate. This bill, calculated as it is to bring untold blessings to the country and harmful to none, normally here, should be received with most general favor; for, sir, its principles, fundamentally comporting with the true American conception of liberty and justice, are infinitely above party, above partisan prejudice, and party policies.

I appeal to that intelligence and to those higher sentiments which have actuated men aforesome times when dire and appalling crisis had befallen humanity; aye, to that bond of brotherhood which individually in the silent hour provokes contemplation and awakens within us a sense of our obligations to God. At such times, within the experience of every man, *however rich or exalted* before the world, thoughts, as if apart or proceeding from voiceless speech somewhere within the mystery of our being, engages the mind with problems of human life, its relations and its ends. Worldly pomp, glory, and power, effervescent; wealth, pageantry, resplendence, ambition—these, all these, sir, at such times turn to wormwood, and, as a sick child, we roll upon our pillow and cry for God. Then it is that the human heart exclaims, “What is all this worth?” Then it is, too, there comes a counter query, “What shall it profit a man if he gain the whole world and lose his own soul?” And, too, Mr. President, then it is to every man there comes but one reply. What? Every Senator bears me ample answer. Be your creed what it may, each experience exemplifies: We are bound indissolubly in a brotherhood whose fatherhood is God; and in the solitude of self-communion no man fails to apprehend that material conditions in so far as they disregard these principles inhere in evil and must decay. Sir, it behooves us here, not simply and only from official obligation, but from what is infinitely more binding, the imperative dictates of our common human-

ity to strike down the greedy despoilers of civic and domestic peace and tranquility. The bill now before the Senate is a proposition to scourge the thieves from our temple. It proposes nothing more, and certainly nothing less will be offered or suggested. Yet, sir, if there is to be attack, spring it, I say to the trusts, in the open field and let us behold to whom the country shall point with the finger of contempt and scorn.

Ah, sir, conscious of its fullest meaning, I challenge open, direct attack, if there be enemies anywhere who have designs upon the life of this measure. Whence shall it come? Sir, I do not predict that it will come from within this chamber, for Senators here represent the people. No Senator sits in the Senate under false color or false pretense. Your commission is, I know, directly under the seal of your General Assembly, but your people are behind your General Assembly. Whatever of technicality there may be against it, still, Senators, you represent your people; your only allegiance is to them. Moreover, I halt to say that time has demonstrated that you should in all good faith be elected directly by the people themselves. However that may be, you in fact represent only them. You wish it not declared, you dare not yourselves declare, that you hold allegiance to another master. Wherefore let this bill come to a vote. By our unanimity for such a bill put forever at rest any question of our fidelity to what is best for the masses in every quarter of this Union. In such a body as this, if guerrilla warfare from without be superinduced, honorable Senators all, it shall be spurned with contempt. This bill, then, must come to a vote. If, perchance, there be Senators whose principles require opposition to minor features of the measure, let such objection be made here; if finally the bill is to them objectionable, surely, sir, no objection can be so indefensible as not finally to be openly supported by the vote of such objectors. Upon a final vote on the bill, Mr. President, affecting, as it obviously does, the well-being of the whole people, any doubt may thus be expelled, if doubts anywhere exist, that a single Senator would hide from his constituents his true sentiments upon it. If such doubt there be, I devoutly trust that upon final submission that doubt will take wings and fly far away and be at rest.

## III.

## COMPARISON WITH THE SHERMAN ACT.

Mr. Fulton: Mr. President—

The Vice President: Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. Davis: Yes, sir.

Mr. Fulton: As the Senator is complaining of the Committee on the Judiciary in not reporting this measure, and his argument is simply to show the importance, I take it, of proceeding against combinations in restraint of trade, I suggest that he kindly tell us wherein his proposals differ from the existing law, the act of 1890, commonly known as the "Sherman Act."

Mr. Davis: Yes, sir. It differs most materially in the penalties of the act. It proposes to put malefactors in the penitentiary.

Mr. Fulton: The only difference, then, is—

Mr. Davis: Not only that, sir, but it differs in many respects, if I could take the time of the Senate to point them out. The bill is upon my desk.

Mr. Fulton: Does the Senator contend that the provisions of this bill would cover any combination in restraint of interstate commerce or interstate trade that is not fully and completely covered now by existing law?

Mr. Davis: I certainly do.

Mr. Fulton: Will the Senator indicate any particular act that this bill would cover that the existing law does not cover?

Mr. Davis: I will do so before I conclude.

Sir, I would dispel whatever of injustice toward the Senate may linger anywhere in the minds of the people. I defend the Senate against the charge of indirection. For myself, but an integral here, the whole world may know by my vote, as well upon all other as upon this question, what has been my ultimate decision and action.

Sir, the sinister arts of seductive agencies may hurl whatever of ridicule or of contumely for hindering and embarrassing legislation, but for one, this bill shall have my undismayed support, treading the wine press alone, if it be so decreed, one Senator if no more, here shall voice a conviction that humanity and justice are more to be prized than aggrandizement or glory. Thanks be to God, however, I shall not be alone. Without regard to party, there are others in this chamber, tried and faithful, on either side, sir, who deeply

realize the value of this legislation to the country. Devotion to the well-being of the people characterizes many independent minds amongst us irrespective of party, and however partisan when partisanship is the tug of war. I but send word of cheer and hope among the oppressed in every State when I proclaim, as I gladly do, that the breadwinners, those united toilers whose brain and brawn sustain this Republic, still have friends in the Senate of the United States. Whatever beliefs exist in any part of the country, I would defend from aspersions, unless truth be barred me, any or all departments of the Government. Upon crucial exigencies I have faith that no department will fail, that they, each and all, will prove in the critical hour, a most sincere and unbending adherent to public weal. I can not permit my mind to dwell upon the contrary, nor will I allow my thoughts to speculate concerning what may be the consequences of such improbable contingencies. Yet, popularly, sir, you may be not aware, this greatest of deliberative bodies has been likened in some of its important tendencies to the House of Lords of the British Parliament. Throughout this Republic the belief for years has steadily grown that the Senate has acquired a fixed bias against the people. Whatever legislation be proposed here which is designed justly to restrain the acquisition or the exaction of wealth, has been supposed very generally to enter upon a rocky road, meeting at last at your hands a melancholy doom.

I but state a fact, sir, when I say that the trusts, according to a popular belief, whatever the injustice to the Senate, are here peculiarly influential; that measures looking to reform in that behalf, that any legislative program leveled against their predatory sway, is somehow and in some way summarily executed, court-martialed, drumhead court-martialed, sir, and shot upon the spot. And, Mr. President, in view of that erroneous belief I now ask what has been done, what is being done, or will be done?

Sir, as was so properly said by the distinguished Senator from Rhode Island (Mr. Aldrich) upon the question of the building of four battleships, this Congress will go down in history as the most extravagant Congress that ever assembled on the American continent. He said that there was the largest deficiency in the treasury today that had ever existed.

Ah, Mr. President, I pause to say that when the people of this great Nation ask of Congress bread, they give them a stone; when they ask of Congress a fish, they give them ■



**LEWIS RHOTON**

The Prosecuting Attorney Who Became Famous for His Prosecutions of Legislative Corruption. During the Early Part of Jeff Davis's Political Career They were Friends, and Senator Davis Said, "Lewis Rhoton Has a Backbone as big as my old grip." Later they became political enemies and criticised each other unmercifully.



serpent. What have you done at this session for the amelioration of the condition of the toiling masses of this country? You have passed one bill, the employer's liability act, which is as full of holes as a kitchen sifter; a bill, sir, that the President thought so little of that for days and days he threatened its veto. Ah, Mr. President, well may it be asked what has been done to reassure the public mind or to dispel these vain beliefs. For, however far from the facts, a condition confronts the Senate. People in all ages have been swayed by their beliefs, however fanciful or elusive. Human nature is what it is; but great will be our error if we rest upon a belief, equally false or elusive, that the people found their beliefs wholly upon either passion, ignorance or prejudice.

Mr. Fulton: Mr. President—

The Vice President: Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. Davis: Yes, sir.

Mr. Fulton: Before the Senator passes from the employers' liability act, which he has denounced in such strong terms as being full of deficiencies and defects, will he not kindly point out the particular point wherein it is unconstitutional?

Mr. Davis: Mr. President, I do not intend that this discussion shall be diverted from the question under consideration. If the Senator from Oregon desires me to teach a law school and if he will kindly indicate that desire, I will be glad to have him as a pupil. He himself, sir, well knows that the employers' liability act is but a sop thrown out to the American laborer just preceding a Presidential election.

Mr. Fulton: Mr. President—

The Vice President: Does the Senator from Arkansas yield further to the Senator from Oregon?

Mr. Davis: Yes, sir.

Mr. Fulton: The Senator asks do I want him to teach a law school. I ask him to teach only me. Before we are asked to enter upon that broader field, I should like to see whether or not he really understands the bill.

Mr. Davis: I do not mean to be disrespectful to the Senator, but I do not care to have the discussion diverted at this time. True, the public mind is not invariably judicial; it does not wait upon demonstration, or demand that evidence be orderly, circumstantial, or particular. Men in all the more serious affairs of life form opinions as frequently upon what does not as upon *what does* transpire. The Senate is judged in large part by what it has not accomplished. So, sir, I say let

popular judgment be founded never so erroneously, want of confidence in this body is the fact to which all must give heed. Ah, just now there comes from "captains of industry" a specious plea that "want of confidence," that this element alone, *want of confidence in business stability precipitates a panic*; that within the twinkling of an eye what was full and fat became lean and poor; that so vital to prosperity is mere confidence of the people that to withdraw that confidence is to convulse enterprise with disorder and bring to ruin in a day the mighty fabric of business and commerce. As to that I now take no issue.

But, Mr. President, what then are we to understand is the nature or value of confidence? Can you say "confidence" is substantive, a thing which may be owed, borrowed, or loaned; a tangible quality inhering in all things, if they are to have consistency, cohesion, and durability? Or, sir, is that subtle agency something less or more; will you rank it among the mechanical or vital forces, so precipitate and dreadful are its effects, buoying by its favor, or destroying in cyclonic fury by a nod, universal prosperity? Moreover, whatever be the constituents or the caprices of "confidence," none have supposed it capable of extension or withdrawal, unsupported, and at will. Repeating, therefore, I ask what has the Senate done to restore the confidence among the people? What of want of confidence in the Senate? What ere long will that precipitate? Mr. President, the Senate must be judged, has been judged, will be judged as other men generally are judged, by their actions, by nonaction, by their sympathies and associations. I repeat again, sir, that the Senate is confronted by a condition. It may not be just. Upon the whole, I am persuaded that it is unjust. But *persuasion of others* do not meet what the Senate must meet for itself. Nor, indeed, can we longer fold about us the silent dignity, a self-consciousness of innocence, and ignore this condition. Suavely attribute it in silence to ignorance or prejudice? No; that will not do; something more must now be done. This, sir, is a representative body. While there may be a just loftiness appurtenant to our place here, Senators can not forget nor treat with contempt the political truth that we are but servants of the people, and, what is more, that our masters hold our conduct under suspicion. Deny, again and again, that trusts have peculiar influence upon this floor? Denial is proper within itself, comporting as it does the truth, but denial alone, unattended with something more substantial,

and demonstrable, will wander back unladen, a vagrant echo from the mountains of discontent. Denial, sir, is no longer open as an efficient remedy. Denial has been sent forth year after year, but not one has found where to rest its feet. Moreover, now, everywhere the flood does not abate. Upon the contrary, discontent is rising, mountain peaks are disappearing, landmarks are submerged. Most alarming of all, over the whole sky a dismal pall warns us of impending torrents. Sir, believe me, there must be action. I pray God most earnestly that the Senate be up and doing. Act for the people, not in excitement, not suddenly in fright, but let what is done be decently done, promptly and amply.

#### IV.

##### INFLUENCE OF PREDATORY WEALTH.

Mr. President, let no Senator, from what has been said, receive misunderstanding as to my own temper or sentiments. Aye, sir, if denial be worth anything, I deny the direct influence upon this body of predatory wealth. Such denial, during my short experience here, has been in many ways confirmed. No, sir; if the trusts have influence in the Senate chamber, that influence is not direct; whatever at all there may be of that influence, I feel that it can be only consequential and remote. So it is to be reflected that we are but men. I do not say that Senators chosen by the people to so great an office are, as respects character and virtue, even ordinary men, yet men, after all, possessed, too, it is fair to assume, of the weakness, the fears, the temptations and hopes of other men. If, therefore, unworthy influences have had effect here to stay legislation, there are still peculiar conditions which render Senators generally—and I doubt if there be a single exception—wholly insensible to it. It must be remembered where we are and what relation this body bears to commerce and to all that pertains to public good. Who can affirm that environment is a condition which, if regarded at all, may be set apart as separate from ourselves. Insensibly, sir, whatever we are or hope to become, is referable directly or broadly to environment. And, surrounded as we are by the allurements of luxury, seeing hourly the scintillations and glitter of wealth, it need not be doubted that public servants are made the objects of its enticements. Devotees of Mammon, ever ready to afford gayety without stint, their arts for entertainment are unrivaled, while bewitching smiles

all the while plausibly disarm fear. Prodigal liberality is their stock in trade, appealing to the natural appetites of man, and, sir, as the country well knows, this Capital City is overflowing with seductive measures, which, although failing often to enthrall, are designed to ensnare the stoutest heart. Thus daily surrounded, some men are borne unconsciously, as in a dream, upon angel wings.

Exhilarated by that inexplicable effluvium characteristic of pageantry and pomp, the mind passes rapidly through increasing stages of intoxication, the heart glows, the head rings with subdued, though altogether pleasurable sounds, while the victim sinks painlessly, if not joyfully, into a sort of stupor. Among the first effects of this condition upon the mind is forgetfulness. Singularly, what of the past has to the victim been true and real, now is apprehended only as a dream. Home, faces of the confiding people—all these; pledges at the hustings, duty, honor, valor, devotion, justice, law, float aimlessly, as dispersing clouds, and if seen at all, are seen only as far away and unreal. It, sir, is the hypnotism of worldliness—the spell of wealth. At every turn now wily incantations of Mammon enwrap the attention; there is no longer either desire or opportunity for escape, and the poor, weak creature, in a sort of frenzied gladness, falls down in hopeless idolatry. These conditions are ever present about many great capitals, seen of all men. Approach Senators directly? No. Not that the trusts would not, did not the honor of the Senator warn them that they dare not. Sir, assured thus of the rebuke which must follow direct approach, ■ system infinitely removed and wholly metaphysical is adroitly woven around the habitat of legislation. “Necromancy,” “hypnotism,” sir, is the better, and more nearly the word. It is the hypnotism of wealth. By its exquisite agency, though neither the person nor the honor is harmed, the will is unconsciously controlled.

But let me hasten to more substantial things. Mr. President, who does not know that American Government originated out of bitter hostility to those very principles which today seem under its administration to thrive, while liberty and justice themselves wither and die? I deny that any there be who deliberately refuse to see. No; but blind are they rather, so constant and fierce has been the glow of gold. Ah, no one is now assuming the authority of a Moses, but I bid the Senate hearken to ■ discontent which is daily growing more ominous. “Brazen serpent,” say you, “without vir-

tue?" Yes, I appeal to the Senate. Look! Else, sir, as God lives the Republic must perish. Inevitable it is. If it be destiny, call it destiny; but be assured, Senators, that except we return to righteousness national life must terminate in nation dissolution. If truth be truth, there is no escape. Ever widening the chasm between capital and labor, bitter fruits of national legislation, this Congress must span quickly and well, else soon within that dismal abyss will tumble in conglomerate hopelessness the cracking and creaking walls of this Republic. Ah, well I know how ready some may be to cry "Prophet! Prophet!" in mockery and disdain. In the self-same spirit which the Hebrews, upon a far different occasion, scoffingly cried, "All hail, King of the Jews!" Life, sir, has its own laws. Fundamentally righteousness and justice, infinitely varied in forms, are its essential remonstrance. All else is death. Ye can not escape. In the all of the one is life; beyond, Mr. President, death stalks, stern, remorseless and solitary through halls where laughter has not entered, and silence, in sable stiffness enshrouds oblivion. Be warned, I say, Senators, Federal policies must be swiftly reformed. Sir, the time is propitious, and here and now, putting aside party interest and feeling, let the Senate for proof turn in retrospection upon this Government. Its original designs you know full well, you know its history. Federal Union—Union of free States in America! Sir, when first proclaimed that glory palsied the heart of Europe, ashen were the lips of monarchy in alarm, and then and there plutocracy furtively indicted its last will and testament.

Providential resolution had crowned liberty, and American valor sworn allegiance to justice. Here, home of the free, there was constituted a safe haven for every craft, ocean liner or smack, that should be dashed unequally amidst the reefs of human struggle. Behold today that Government, not as now, but in the beginning. History, sir, will tell the story. Ah, some may accuse me, if they choose, of academics, but what of history if from history, in times like the present, we may not again take our bearings, so violently have greed and glory driven us. Look, then, I beg, at this Republic in the earlier lights; see her unimpaired splendor unfurled before the world an unconquerable spangle of stars; behold her unrivaled grace in the flash and glare and roar of war, her unsparing sacrifice of blood and treasure to the cause of human liberty. Behold, too, now her virgin loveliness in the first full flush of blissful realization of joys which just vic-

tory brings. Sir, the story of history need not be repeated here; yet, Mr. President, who dare alter, who forget it? For my own part, I love to dwell upon its pages, to pour its precious treasures into the laps of my children, to hold its priceless lesson for their emulation. And even the Senate, sir, may well review, candidly review, those early events; and then if there remains amongst us the least of those deeper sentiments which actuated our sires, answer, if you can, how far, alas, how dangerously far, government has at last been given over to its original enemies. That somewhere and somehow there has been betrayal not even hardihood is audacious enough to deny. Deliberately, solemnly, in my place here, representative of a sovereign State, do I challenge denial that liberty today in America, as liberty was meant and understood in the bloody baptismal of revolution, so far from being an occasional welcome visitor, has been a total stranger to this Government for many years. Let no one start; if there be contrary sentiments, I am ready to maintain it. For, poor and weak though I be, truth is mighty.

I am prepared to hear some soft-handed, timid creature, anxious lest by something said here the people be disturbed from their bondage, charge me with "intemperate language." The country knows, however, that I dare hold up plain truth to this body. Doubt not that the truth is everywhere recognized, whatever, in certain quarters, interest or cupidity dispose some to deny. Fully conscious am I that plainness of speech subjects me, among the foolish, to animadversion; but to disguise truth or to withhold from it aught were, under the circumstances, worse than treason. Sir, special interests seek, I know, by intimidation to make plain speaking unpopular. Certain of the press even, allured by vain glory or gold, have set a fashion to deride and decry whatever is calculated to arouse the country to its true condition. Indeed, so strong has become insolence, feeding upon its own offal, that, let whomsoever desire action here which savors of public weal, and that Senator is at once denounced as a demagogue from one end of the Union to the other.

Here, Senators, I would be indulged, if but for a moment, in slight personal allusion; its illustrative character will be too apparent to require explanation or apology. It is known to most Senators that, by the indulgence of the Senate, I ventured a few observations, on the 11th day of December last, when this bill was referred. Whatever was then said, sir, was the natural overflow of a heart in deep sympathy with

the poor, the laborer, with honest workers in every walk of life. For, saying nothing of disinterested justice to all such, upon the shoulders of these rests the security and glory of the Republic. That this is but simple truth only knaves are despicable enough either to disregard or to deny. From the sturdy mass of our people proceeds all—yes, *all*, I repeat—that is worthy the name of man amongst us; by their authority do Senators hold places of responsibility, and from the fruits of their industry are we sustained. By them, too, was not government itself ordained? Sir, if, then, that be true, how beastial the doctrine that mere wealth, for its own sake, may seize upon the potencies of government for its own aggrandizement.

## V.

### THE MISSION OF GOVERNMENT.

Speaking broadly, government was instituted among men as a bar to evil in all forms. Covetousness and greed, especially—have these egregious enemies of sweat and toil, nevertheless, “rights?” Rights, sir, I say, vested rights, which government is bound to respect. Too well you know how utterly wretched is such a pretense. Yet, Mr. President, taking these, my very words, watch plutocracy, you who care to busy your curiosity with the arts of low cunning and systematic villainy; for, even while I speak, spies and sentinels are impatient, and ere my last word shall be spoken a line of craven newspapers, seizing upon what has been so truthfully said, will contort it to deceive the public, as if anarchy were ranting treason in the Senate. Yet, let me repeat, government, American government, was not ordained to protect wealth for its own sake, aside from the fair fruits of honest toil. No vested rights may be imputed to wealth. I go further; government was not designed to foster wealth for its own sake; certainly not where, by conspiracy, it assumes monopolistic forms. Legislative favor, therefore, laws framed whereby acquisition may be accelerated beyond what is natural, favoring one against another, favoring one section above the rest of the country, thus impoverishing many and enriching the few, the veritable Pandora’s box, sir, whence sprang all our evils, criminally outraging justice and flushing every statute of liberty with shame, burning, mortifying shame. Sir, this is a serious business, and I challenge any to a denial. I charge that in every essential part the Constitution has been trampled under foot and American institutions overthrown. What? Ah, the form may still remain,

but of what value, pray, is form, if the substance be gone? But I bid plutocracy be not too exultant; it is not gone forever. Thank God, it will return, soon return; triumphant Democracy, ere long, will restore to the temple our ark of the covenant from Republican hands. Plutocracy, be warned, I say, God's people shall have their own. And yet, sir, so accustomed have favored interests become, that now they audaciously plead illicit favors as if rights in themselves, marvelously appropriating estoppel, as they have wrongfully appropriated everything to themselves, since endurance and patience have been mistaken for laches on the part of the people.

So that, Mr. President, on the occasion named my few simple words on behalf of truth and justice scarcely left my lips when a pampered, silken-robed, scriveling set of conspirators, surprised and alarmed, curled haughtily, though nervously, at their choppy mustaches, and bit patrician finger nails in puzzled haste, so importunate was their eagerness to hurry a polluted press to mock and ridicule a homely friend of labor. Instantly paid trust journals up and down the country, with one accord, in the selfsame breath, and manifestly upon identical command, thinking to discredit my cause, centered upon me from ■ thousand sources vituperation, artfully put as news, and consummate wrath covertly dressed in the habiliments of humor. Upon that occasion I had ventured—an unskilled, plain man—to speak in honest terms upon a subject which I know to be near the hearts of that large army of men who wear overalls and hickory shirts. What offense, pray? Meet the issues. Shall no one speak for them in the Senate? True, I had essayed the unexpected and unconventional—had addressed the Senate—a new Senator—upon the eleventh day of my service. Why should there have been delay? Arkansas, sir, is she not the equal of any State upon this floor? For her I reply "Yes." Against whom, then, has one of her Senators offended? Precedent? "Precedent," indeed! Mr. President, I care not for precedents, unless they be good precedents; and a precedent which binds the hands or closes the mouth of a Senator when duty bids him speak is a bad precedent, suited only to temperaments which shrink from responsibility. Still my conduct was by the press scouted as a boldness, against which they affected to scowl and sneer. Moreover, what at that time came from my heart, unstudied and unkempt—and for aught I know or care was ungrammatical, as was with much delib-

eration charged—nevertheless proceeding from a brain busied wholly with truth—conditional limitations, sir, to which the plutocratic newspapers are, in the nature of the case, total strangers. Modestly arraigning the protective system by quoting from a well-known trust magnate “As the mother of trusts,” this was heralded as a most grievous fault. But it seems wherein I chiefly offended is yet to be mentioned.

Upon the occasion named I had adverted briefly and truthfully, if somewhat fervently, to the nature of the punishment proposed by this bill. Believing punishment by fine only abortive, I urged and still urge, as part of this bill, penal servitude as wisest and best. Fine a trust? A policy of that sort can have no other effect than to excite contempt, if it does not irritate to renewed exorbitance, for what Senator is too blind to know, what everybody else realizes, that only to fine a trust is but to add to operating expenses; a veritable fine upon the innocent consumer at last. Ah, Mr. President, let the Senate meet bravely and patriotically the issue which is set before us. It is square and sharp. Shall autocracy or democracy dominate; shall the Republic endure, or shall there arise from its ruins a despotism of wealth? Sir, if constitutional government, think you, be worth the saving, then, in God’s name, lend your might and main to rescue it from gluttony and greed! Trusts must be destroyed or they will destroy all else. That trusts are criminal, aye, that they are ethically treasonable, is everywhere known, if not openly charged or admitted. I am aware, to the contrary, of the specious pretext offered that the trusts are benefactors; that they develop industries and reduce the cost of commodities. Fundamentally false, what is stronger proof of their egregious infamy? I have neither time nor inclination to dignify this falsehood by argument; but I remind the Senate that this Government was builded for something loftier than *cheap tea, cheap steel, cheap tobacco, and cheap petroleum*. Nor, sir, is American slavery to be compensated by any of these. Your stalking horse, Troy, is not to be again subjugated by disguises like that. Away with madness and folly. Trusts are wicked conspiracies and combinations of men; punish them, I say—not the shadow, but the substance. Let flesh and blood feel the inexorable mandate of law.

What say your criminal codes? Are conspiracies to kill, to rob, or burglarize foolishly denounced or punished? Are only conspiracies fined? *No; you apprehend and punish men.* Your specious rejoinder I readily anticipate and grant,

that corporations are entities owning estates and may be punished by fines; let their officers act for them as *other agents* and should not be held personally for what is done officially, but, sir, I deny that an officer can rob "officially," that he can violate the law "officially," while the entity itself can only act by law; so that but for the evil purposes of men going beyond law the entity only would prove harmless. What then? Sir, I say the penitentiary. Open prison doors; set that alternative before conspiracy, graft and greed. The penitentiary; that prospect alone can now restore the country. And, sir, the term of imprisonment must be formidable; let even men of wealth or station, if guilty, feel the draw of the inexorable halter of the law.

Such, upon the occasion named, were my sentiments deliberately expressed before the Senate and the country, though not in my present language. Nor do I offer now the slightest apology. No new theory or strange doctrine has been advanced. Hired scriveners will cry out, as of late they invariably cry out whenever honest men speak in behalf of truth and justice, "Anarchy!" "Socialist!" but it is only an old stratagem of guilt in new form—it is but the hue and cry of the thief, made as he runs. No; what I have maintained is as old as time. Every criminal code is based upon it. From the beginning of English history that doctrine has been applied readily to the poor, the ordinary, the common thief. Upon what, then, is the Senate asked to delay? Why, pray, shall not men, such as Rockefeller, Harriman, Rogers, and that ilk, be treated by the Government upon the same level as other thieves? And yet, sir, when I ventured to suggest it, lo, there arose a shout of derision. Certain of the press, mostly Republican, but some pretendedly Democratic—for money will sometimes buy either—seized upon my words as if every letter exhaled the foul breath of treason.

## VI.

### PHILIPPIC ON THE SUBSIDIZED PRESS.

Diminutive editors in paroxysms of frenzy grimaced and gesticulated as though there had been committed an unpardonable sin against the Holy Ghost. Puniest of creatures, miserable, monocarpous, misnamed men, pressed trousers and all, slinking cravens at the golden feet of Mammon, frothed madly, upon seeing my words; their little, weak bodies trembled, the limbs twitched and jerked as in spasm; the eyeballs rolled nervously, and the eyes emitted a greenish

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light, while the poor, brainless creatures snarled and snapped aimlessly, as do ordinary dogs, as it is said, affected with hydrophobia. Such seem to have been the first effects upon a plutocratic press. But, do not misunderstand me. I arraign not one honest newspaper. I know and appreciate the value to liberty of an unmuzzled press. Under wise and patriotic guidance, no power or influence goes before unbridged journalism when justice and freedom are at stake. The press in the past, I know what part it accomplished, I know its valiance, its brave deeds in behalf of government by the people. Mighty power for good, it is also, in wicked hands, a power for evil; and designing men, seizing upon the press wherever possible, are transforming its power into agencies of evil. Ah, I earnestly pray that infinite wisdom ever guide our patriotic editors in this trying hour. Despite iniquitous tariffs even upon your white paper, roll your ample pages to the winds of heaven and let the farthest reaches of civilization gather truth as it flies. Ah, oh, may your white wings, wide extended, hover always closely about, a protection and a shield to labor everywhere, and to the husbandman whose industries feed the Nation. Ah, sir, I make no war upon legitimate journalism; on the contrary, what they stand for I stand for, what we jointly seek no lover of justice can despise. Individualism universally regarded and developed is the only hope of man. You may talk of greatness, of development, and of power, but all these are vain unless individualism be their highest fruition.

Fearlessly do I proclaim that in proportion as government neglects individual well-being it attains not the ends for which government was ordained. True, government itself is a combination; but it is a union *not a trust*, constituted to promote liberty, not of a mass or of an aggregation of men as a body *or of the majority*, as is sometimes foolishly supposed, but to assure, through the strength of the whole, the individualism of every part, however weak. All ulterior combinations, therefore, amongst the parts which are subversive of these primary ends to that extent are at enmity with freedom. I am not unaware that the trusts make bold to deny that they are among combinations or conspiracies of the class here implied. Indeed, amongst a spawn of other presumptuous sophistries advanced it is now audaciously maintained that so far from being enemies they are benefactors to society. Pointing to present prices of some commodities over earlier prices and wholly ignoring favoring condi-

tions which time and developments have wrought in spite of the trusts, they modestly exclaim, "Behold the fruits of our benevolence! But, sir, the American people are not objects of charity. Not the pittanace, but the principle, it was which drove the colonists to annul by sword the tax upon tea. Ah, "benefactors!" Upon like plausibility can ordinary larceny be heralded as benevolence, and the more widespread and systematic the thefts—God save the mark!—the wider and more general the benefits of so great munificence; for, truth to say, the subject-matter which provoked this sort of "disinterested thrift" is usually put upon the market "regardless of cost." But I shall not further dignify a false pretense. Benefactors, indeed! Behold the veritable mountains of gold piled up and still piling up in the strong vaults of a few men as a result of their undying charity for the people.

Equitably applied, all this unearned wealth, had it been left with the people, would have builded in each State a college at a cost, inclusive of endowment, of \$10,000,000; a home for veterans of the Civil war at a cost of twenty million; an agricultural academy at a cost of forty million; an orphan asylum, a poorhouse in every county, ample for all coming demands; museums and art institutes in every hamlet, bountifully endowed the school fund of each State, threaded the land with macadamized roads, bridged rivers and streams, reduced State and other taxes to a minimum, and left the people with good homes, unacquainted with debt or grinding poverty, while peace, quietude and contentment would everywhere abound.

*The sober, sane, simple truth! Let scavengers of plutocracy howl! Truth, God's living truth—where are its defenders? Miserable travesty upon noble manhood, post-graduates in all arts of slander or defamation, I challenge a subsidized press! The people know your design and spurn your pretenses, whether under show of argument or more servient hypocrisy. Go! damnable imps of self and greed, I defy your taunts! Tear to fragments my political career, if it comport with your execrable will; stifle and distort my every utterance; not satisfied, if such be your brutal frenzy, lash my poor form into insensibility; then, if it be your further pleasure, gnaw from my stiffening limbs every vestige of quivering flesh; howl in wretched bestiality through my own innocent blood as it drips from your fiendish visages;*

*drag then, if you want what remains, into the filth and vermin of your foul den and burn it upon the altar of Baal, or scatter it before the friendly winds of heaven to your betters, the carrion crows of the field! All that may they do, all and more, if there yet be open further depths of infamy to a polluted, besotted press. These ready servants of greed, what have they not done or attempted to fasten still more securely an autocracy upon us? It seems to be their special function, not simply to pervert truth, but to threaten and terrorize public men. Dare a Senator align himself with the people? What? Yes; many illustrious servants of the people have lifted honest voices here and elsewhere against the march of plutocracy, to fall ambushed, politically assassinated, and by whom? By the trusts, wearing masks. Ah, sir, newspaper masks. But, Mr. President, insignificant as am I, if my political career be marked, let them sharpen their blade, for I will be here at the appointed hour, and while here only God can stay my voice in behalf of organized, united labor and the yeomanry of America.*

Mr. President, it was said of old, "Ye can not serve God and Mammon." Ah, Senators, I would dare assert this immortal truth even upon this floor, for in that simple doctrine is to be found the root principles of all just government. Analyze or differentiate, but it remains the sum total. Not from superstition; not necessarily from sectarian views. But resting in the essential polarity of a mortal mind, the affections of man can not embrace objects which are fundamentally repulsive. Nor, sir, is that doctrine applicable only to individuals. Governments dare not disregard it. Time can not alter or abate its force. You may content yourselves with procrastination or assure me that God no longer deals with nations. The Bible is plain; the orthodox belief is explicit. As to personality and personal relations, as affecting conceptions of God, I leave to each for himself; but for myself, one thing I know: Baal is not God; and I reason that while Baal deals with nations for evil, God must continue to combat him and rule for good. Skepticism may stalk, but be warned, Senators, the rule of Mammon is the rule of ruin, and sooner or later government must pay the penalty. Bring, sir, to your assistance the history of Europe. What has been the doom of empires who knew not God? Good, sir, if you will have my creed, for "good" and "God" are identical principles—the fruits and essence of the divine mind. And if we

are to profit by history, turn your thoughts upon our distracted country, where Mammon has stormed the very walls and holds the strong places with brutal fury.

Mr. President, to enter upon an elaborate review of conditions which distract this unhappy country would be supererogation. So long and cheerless is the history of man's inhumanity to man. Trusts and their cause, predatory wealth in all its forms, little as may be supposed, is, sir, a matter of common knowledge. In vain is hidden their perfidy under such high-sounding terms as "science" and "finance;" in vain it is assumed that "business" is a thing peculiar to the elect and wholly apart from the so-called "common people;" terms, sir, ill chosen to designate the sturdy citizenship of America. In vain, too, has it been sought to throw about modern methods of "finance" an appearance of legality and respectability. Repeated and rapidly increasing crimes have found them out.

And I charge, sir, that such conditions could not have survived a day save by favor of this Government. The field is inviting, but time forbids that I now descend into particulars. But in what manner Federal policies for more than forty years have steadily wrought, involving a recital of wretched detail, even to an American schoolboy, it were folly to recount. From the close of the Civil war to this hour Mammon has been as busy as busy can be. Who does not recall his sinister manipulation of our greenback currency? Erecting a national banking system despite the Constitution, these banks are temples all over the land adapted especially to his worship. Who inspired resumption to his glory? It was Mammon, sir, who bound and gagged the people in the galling bonds of protection, a system which for bold outlawry and despotic confiscation distances far the remorseless tribute of Caesar. Who but the god of gold demonetized our silver? Monopoly has been intrenched; favorites have been advanced; his worship, even in the Christian churches and colleges, fostered; his code is graft, his followers are thieves, and his heaven is hell. Moreover, so powerful and insolent has grown this money god that no sooner do the people seek to overthrow his power or to retard his further subjugation of our fair country than straightway he, in wrath, brings down upon the suffering millions—men, women and children—a panic, a pestilence of ruin. Oh, boasted Republic, brightest star in the constellation, blessed stay and security to and for the highest good of man; once glorified not less in prayer than in

song the world over wherever hope dared whisper to sinking liberty, what shall be thy ultimate destiny under the madness and inhumanity of man? Sir, it is the old story—selfish ambition and love of power. When shall men come to that glorious understanding, basic in all righteousness, that only conformity to the good insures real felicity? Homiletic, am I told? Does the Senate find itself beyond or above recurrence to the simple truths which make for godliness? It has been said that the Senate is dignified. Very well; there be dignity. Dignity, true dignity, always gentle, unassuming, and simple, denotes probity and justice.

Dignity marks him who loves truth, whose life is a daily expression of inward harmony with the real and good, while false dignity is an attempt to disguise what is hideous and bald. Then, in simple terms, I make bold to speak, and I say to the Senate I know its acknowledgment of those simple, though more sublime truths which uphold the right in all things. And if there be the least confusion, disenthral your-self from the artificial modes or beliefs, so that from the eternal fountain of homiletic truth you may drink copiously. To destroy evil, the minds and purposes of men must rightly apprehend its genesis. Evil, broadly, is conditional, not personal. It is a negation, a disregard of law, erroneous conceptions of what is good. Under ignorant beliefs men seeking the good yet set up and worship error, entailing, logically, a brood of our present evil consequences. It follows that many, as well individual as national, beliefs—idols, indeed, sir—must be altered and demolished. Erroneous principles, as they are called, must give way to righteousness ere again in America a sense of supreme brotherhood shall give character to our laws. In considering the great question now before this body, therefore, I pray Senators to drink deeply from pure fountains of homiletic truth.

## VII.

### TRUSTS A LEGITIMATE BREED OF NOXIOUS PARENTAGE.

Mr. President, our present commercial disorders, trusts and concomitant evils are bitter fruits of noxious seed long ago sown. Deliberately do I affirm that, despicable as is the blood, trusts are a legitimate breed. Specifically stated, conceived in special privilege, nurtured by protective tariff, and fattened upon public swill of every kind, the overgrown wards of Republicanism, following the principles of their being,

turn naturally to pillage as a duck to water or a sow to her wallow. Their denial, I doubt not, will be forthcoming. The country expects not a plea of guilty. In the State of Florida an old negro, arraigned upon a charge of larceny of an alligator from a farm where the young of these quadrupeds are reared, is said to have pleaded "not guilty" to "de allergashuns" and to have defied "de allergater." You insolently "stand pat," a paraphrase of the negro's plea; but to "stand pat," as a plea, is dilatory—is the equivalent of standing mute; but you shall be put to trial. Trusts, I repeat, are a legitimate breed. By no accepted tables can they be looked upon as bastards.

Trusts have conformed, if to none other, to the law of biogenesis, for their strain of blood, such as it is, has remained unmixed for generations. True in every trait and lineament, from father to son, their ancestral line, not heading in, but linking with the Tories of Revolutionary times, reaches its polluted source in George III; and well do they boast such princely ancestry, for, although possessed not of the prince's courage, they inherit both his meanness and his rapacity. Here, however, sir, I must pause, for, sir, not at this late day would I by word or deed do aught of injustice to even that cruel monarch. George III, to be sure, was narrow and cruel, but his tyranny was a direct force. As king did he stifle justice and look with disdain upon liberty. By brute force was his royal prerogative maintained. He therefore laid tribute without mercy, taxed without representation, filled his dominions with squalor, and trampled ruthlessly upon his subjects. Yet all this, Mr. President, was in strict accord with the genius of monarchy. As king, so went the theory, he could do no wrong. That despised prince, let it be said here in strict justice to his memory, however, abhorred a thief; a thief, sir, in the ordinary development of cupidity. Unlike his descendants, George hated not his colonies, but far different sentiments stimulated his policies toward them. His conduct in America showed forth but the genius of empire, and colonial challenge of kingly prerogative, the assertion of the right of self-government—these were the things which started royal armies hitherward. But I mean not to dwell upon events of the Revolution. All that was hateful to American liberty, however, did not depart from our shores with the departure of British arms. British sentiment, distrust of the people, and love of power found lodgment still. Toryism, though despoiled of its personal king, demanded "a



**T. L. COX.**

Whom Jeff Davis Always Referred to as the Head of the "Little Rock Ring."



strong government," one rested upon wealth, privilege and class. Nor during all these years has Toryism abandoned its claim to the throne. Born to rule, according to their creed, the classes view the masses only as slaves, by nature constituted by their work to enrich and glorify the king.

Such is the spirit of the class; and so, I say, the spirit of George III still animates persons and parties in this country. You have but to look about and around you. Tribute and favoritism, political debauchery in its most malignant forms, coalition, combination and conspiracy rule the hour; whereby, sir, so mighty has become predatory wealth, so widespread and assertive have become the dominions of Mammon, that did their illustrious ancestor behold the vast extent of their power, typified in the Standard Oil Company and like aggregations of iniquity, George III must groan in disappointment, while the very devil himself, swelling the chorus of his imps in hell, chants in fiendish exultation. And yet, this is America; America, proud, boasted America, home of the free! Ah, yes, the selfsame; the same, Mr. President, which aforetime, pledged her all for independence; the same which, in the crisis of revolution, testing the devotion of her people, put monarchy everywhere, for the first time in the history of the world, in mortal terror. Oh, America, albeit today! May the God of Moses, in infinite mercy and pity, rescue liberty in America from a thralldom more abject than Egyptian bondage, to the infidelity of gold. His faithful poor in every State in the American Union may He deliver from that sweat and toil which brings no reward! Strike down the power of Pharaoh, oh, God of Israel!

Ah, Mr. President, looking now over our past, I would ask what, after all, is indeed independence? Harnessed by a hundred favoring laws, our commerce terminates in the lap of luxury, while the people, robbed of its fruits, are lashed without mercy to renewed toil. And in a country, too, blessed by Providence beyond other portions of the earth. Behold, in proof, the extent of this Republic; its boundless area of fruitful soil, its mountain ranges, its deep carrying rivers, its lakes and seas. The very bowels of the earth are overflowing, so generous has been the bounty of Almighty God. Charged, too, are now found to be the very heavens with inexhaustible riches; and everywhere the needs and pleasures of life are piled with Godly prodigality and paternal amplitude. Sir, I indulge no poetic fancy; for language in its meagerness may not depict the natural glories of this Republic. Indeed,

from the beginning America seems to have been foreordained a special habitat for liberty and independence. As if by specification and plan divinely prepared, here has been wrought a Utopia in blissful reality for us and for our children. For, I can not forego the proud declaration, and I make it in reverential thankfulness to God, that nowhere has the sun yet kissed a spot nor set upon a foot of earth where liberty is more indigenous or where by nature independence is courted with the same passionate abandon as in America. Such, too, was the grateful realization of the fathers when first they came into their so glorious inheritance. Re-read our blood-stained history; read it in the yet glimmering lights of Concord and Lexington, when, for the sake of liberty on this continent, the very foundations of the deep were broken up and the heavens opened for independence. The doctrines at that time enshrined it were needless now to recount. Enough that today they are the sum total of Democratic faith; and heaven vouchsafe that those principles once again inspire administration, diffusing uniformly the blessings of free government amongst the people of every section, to the utter rout of Mammon from our affairs, public and private.

Mr. President, pardon me again for slight personal allusion. It will, I trust, tend to advance the thought which I have desired to impress upon this body. It will be readily recalled that a Republican President only recently sent to the Congress a most remarkable Democratic special message. In that document, the Chief Executive, rising above his party, boldly, bravely, and truthfully dealt with conditions to which I have here alluded. Without regard to party that message thrilled the American people from Florida to California. It was a bugle call as from the skies; the people heard and took hope, for its truth went to the heart of the Nation. Yet, sir, quite a contrary though simultaneous effect was produced in other quarters. Indeed, the livid streak through the Senate which marked the passage of that document had not faded from sight ere proof of good marksmanship told that the President had hit his aim; for instantly from plutocratic press and spokesman there arose, as from sewer mouths, a dense sickening odor which stifled the air and affronted the nostrils of all decency.

Thinking to abate the force of that message, members of the President's own party joined, more or less openly, in whatever criticisms might serve their purpose, for the Chief Executive, deliberately defying adverse influences, had added

fuel to a Democratic conflagration which must sweep the land. Mark you, Senators, I say "sweep the land;" yes, sweep the land until corporate power be controlled, predatory methods all consumed and their ashes sifted upon the winds. Not as a Senator only but as a citizen of this Republic do I proclaim that of right this is a free country. "Equal rights to all" is at eternal enmity with "special privilege." Monopoly is an alien, therefore, and an enemy. Not the person, but the wicked policy of George III, in whatever form of disguise it were, that threatened the inalienable rights of man. Ah, sir, those policies must be driven from our councils. For if at last we have but to choose as between *forms* of tyranny, then the infidelity of gold is more to be despised. And yet, so bold has become this tyranny, seeing the arousing temper of the people and failing longer to beguile them, the trusts insolently, by traduction, seek to drive and intimidate our leaders. But America is not Russia; nor are Americans Russians. Lovers of peace, still Americans love liberty as nothing else; and, sir, they have both the courage and ability to defend it. Ah, my words in certain quarters may be laughed to scorn, while plutocracy revels in feigned security amidst dance and song. Sir, their songs are not music; their revelry proceeds not from joy, for music is the language of love and joy; true joy is the flower of righteousness which blooms in a heart softened by love. I know, Mr. President, that in what we are weak the trusts are strong. There is a magic potency in wealth, gold, stocks and bonds. Yet a *weakness* there is to be found, and against that weakness the people are peculiarly strong; for the trusts, bold, brazen and haughty, they are still as Goliath meeting David. The God of Israel is with the people of this Republic: He shall be their strength, so that the powers of hell shall not prevail against them.

Nor do I care for your denial that this is a Christian country. Be not, however, deceived. God is the same today and forever. Be warned—ye can not serve two masters. If Baal be God, serve him, but, sir, we challenge you to a test of fire from heaven. The trust of the people is in the living God. In our hearts, if this motto has been stricken from our coin, His love there is ineffaceable. By His power shall be lifted the cause of right and justice.

Sir, I would not by any allusion leave myself open to misconstruction. By an executive order "In God we trust" was stricken from our coin. I have just alluded to that. Yet I

wish to make definite a statement of my opinion that, under the circumstances, whatever the purpose, the order was consistent with the practices of the Republican party. "In God we trust" upon money which, controlled by national banks, is daily prostituted to do the work of the devil was blasphemous in the eyes of mankind. Upon a money system so utterly Christless what a bald hypocrisy! Yes, strike it off, out of decent respect for Almighty God, and leave to the people its restoration when government itself shall be rescued from debauchery and greed. Yes, doff the very livery of heaven; for by the authority of God's word I charge that you serve the devil. Strong language? If I be admonished of the teachings of Christ that "if one take your cloak give him your coat also," I reply that the selfsame Christ scourged the thieves from the temple.

But, Mr. President, at this juncture my mind has been somewhat diverted from its original course. Observations concerning Christ and God, naturally suggest to the mind the early history and some of the early professions of the Republican party. And turning to history, I would ask, where is that great party of boasted emancipation, that vaunted God and morality band of crusaders who, more than forty years ago, assumed administration of this Government? Did some echo answer, "Wedded, hopelessly wedded, to the idolatry of gold?" Yes, and that, too, from the very beginning of its career. Prating long and loud of freedom, working at hypocrisy, in season and out, that party, direct descendant of George III, under cover of solicitude for humanity has steadily intrenched against the ultimate indignation and vengeance of the people. Departing from its early professions, that party has erected in every portion of this fair land altars to the money god, and in them installed the priesthood of Mammon.

## VIII.

### FRUITS OF A PROTECTIVE TARIFF.

Through protective tariffs merciless tribute is forced upon the masses; commerce, bound hand and foot, is brought a helpless though struggling victim; labor, blessed hope of mankind under free institutions, brutally driven as galley slaves, as national banks bind as with cords of steel our every energy while plutocracy in fiendish glee and ravenous gluttony gorges its putrid stomach. Stop, Senators; in God's

name I beseech you, think. Still, sir, I ask, what do you? Today you fiddle while Rome is burning. You sit here marking time lest you do something. Today, pending a frightful, a criminal, panic, made out of the whole cloth, conspired with aforethought and brutal malignancy as a pretext to accomplish what the Aldrich bill is now attempting for the national banks under cover of relief to the country, you drone away the time here and hide your conduct and purposes pending an election. What the whole world knows you might know if you wished to know, that tinkering with the currency is the very worst thing that could be done, unless with one fell swoop the Congress wipe from existence every vestige of the national banking system. Building upon a rotten foundation, adding to the superstructure, may postpone but it will not avert what must inevitably come. A stable currency, if you really wish it, bottom your entire circulation upon Government notes at par with all coin in paying the debts, public and private, and expenses of the Government. But no, contrariwise, you hug the national bank in fond embrace, so effective has this system demonstrated itself to bind the people in hopeless slavery. Ah, "slavery!" The very term awakens some of my earliest recollections. Mr. President, it is said to be not in good form to speak carelessly upon the subject of ropes in a family some member of which has been hanged. But the word "slavery"—this term, in view of the present condition of the people, reminds me of the early oratory of the Republican party, when Toryism was struggling for power. I recall the language of Charles Sumner, speaking at great Faneuil Hall, so early as 1855. Referring to the subject of tenure slavery, a system superinduced by Northern sales of negroes into the South, Mr. Sumner then said:

Not that I love the Union less, but freedom more, do I now, in pleading this great cause, insist that freedom, at all hazards, shall be preserved. God forbid that for the sake of the Union we shall sacrifice the very thing for which the Union was made.

Yes; "God forbid;" such was the invocation. "God forbid that for the sake of the Union" we should sacrifice freedom. Freedom was more to be prized than Union, was it not, sir? And what was freedom at that time, that it should be of so great value? Sir, I tender no sectional issue. Nor do I wish now to detract one iota from what was then said of the freedom as applied solely to tenure slavery. What was said so long ago by Charles Sumner is brought forward only to prove the value of freedom, that it is worth more

than Union. The party of Charles Sumner, then, was ready, if confronted with such a last alternative to secure liberty for the tenure slaves of the South, to overthrow our Government. I shall not here enter upon any analysis of the motives which actuated men during that period. Much fervid oratory was indulged, humanity was stirred, tenure slavery was doomed. I here make no issue; no one now defends that system; in that form negro slavery is gone forever. Indeed, I make bold to say that to the individuals who suffered it that system was wrong; not at that period wrong legally, for, wrong as it was ethically and morally, the law permitted sales by the North to the South and recognized property in slaves. But what I emphasize is that even under those circumstances negro freedom, so Republicans proclaimed, was more to be desired than Union itself. Freedom from tenure servitude let it be; no one elsewhere, certainly none in the South, would wish it otherwise. Nor can my mere mention of it in this connection afford opportunity, by seizing upon a dead issue, to divert the public mind from the living present. But your professions of devotion to liberty; how do your professions comport with what you have actually done? Your great love of freedom; where may we now look—what has been its depths, its lengths, and breadths? Ah, following appeals to sentiments of humanity which secured to you a long lease of power, what evidence of your love, what, indeed, have you not done to fasten upon whites and blacks alike a servitude in comparison with whose hopelessness slavery were a boon? "God forbid that for the sake of the Union we should sacrifice the very thing for which the Union was made." "God forbid;" and yet both have been sacrificed, for upon the ruins of our erstwhile Republic flourishes today a feudal dynasty whose base servitudes rival Normandy or England in the palmiest periods of feudal tenures. Your doctrines have not been extended, your great love seems to have stopped with the negro, and even him you have finally betrayed.

Sir, confronted as is the country with dire calamity, I should in all just reason afford not to even the narrower souls the slightest pretext for stirring up passion or sectional discord, whereby to draw away the public mind. A ruse of that sort, however, can but produce general disgust. Tranquility between North and South concerning sectional issues has closed, I feel sure, forever. Be destiny what it may, the future is our own. What is best for one shall be best for all,

for by our united hands, working to a common purpose, beneath a common flag which floats proudly and resolutely over the dead past, seen and respected emblem of an unconquerable people, it is within our determination at every hazard to strive without ceasing until there shall be an equal and exact diffusion of justice, wholly disregardful of class, creed or station. And therefore I can have no ambition to stir up memories of the past, for their own sake. Yet, Mr. President, I am not sensible of any just demand that on this occasion I lend myself wholly to mere oversensitiveness. Duty forbids that I shut my eyes out of a false delicacy. History, sir; shall we be truant to that? Upon the contrary, I, for one, shall dare look there at all times for what may be made of service to my country. And looking to history, what, I ask, under the influence of benign Republican love, has been the sad plight of the people, blacks no less than whites, now for more than one whole generation? Ah, what a long funeral train, what a dreary catalogue of evils. Behold the Republic prior to the sixties and behold it now; in the special light of that love for freedom which was so lustily proclaimed. With the ending of the Civil war, "freedom" vindicated, victorious humanitarianism fully empowered, there began the work of love whose endearing tokens we now behold.

Review, sir, the panoplied retinue, moving in somber stateliness before your enrapt and ravished imagination. Heading the column are national banks, crowned and with ermine flowing, bearing each for itself the flag of our Union, emblazed in glittering letters upon its undulating folds, "In God we trust;" next are a long line by fours, tariff barons, caparisoned and sable plumed; trusts, by tens abreast, fill the center, constituting more than a third of all; following these, currency manipulators, bearing gold standards; then, in the order named, a motley swarm, headed by 2,500 multi-millionaires, 25,000 millionaires, and, still coming, railway mergers, bank frauds, insurance frauds, corruption funds, market gamblers, bucket shops, graft, commercial three-card monte men, blighting panic, lockouts, government by injunction, political filibusterers, legislative abasement to plutoocracy, gag rules, billion-dollar appropriations, waste, fraud, public debauchery, oppression of the poor, and a thousand other evils make up the endless train. Oh, what wondrous love! Humanity, sir, the wide world over, hearing your early cries in behalf of freedom, has given heart and hand to the Republi-

can party, thus plighting faith to its fidelity and devotion. And now, sir, that great fidelity—what has been its course? Ah, in vain do you seek to cover the fact or to divert attention from the worst. The whole world knows of your morganatic loves; denial can not longer defer the hour of domestic wrath. Oh, erstwhile devotee of gentle, winsome liberty, for shame that the love of gold has enslaved; that power's lecherous lust has enthralled your manhood. Return, oh, return, truant spouse to a proper sense of domestic fidelity and felicity, for, related morganatically, though you may boast, to English royalty through George III, know, vain and foolish one, that your bastard ancestor is none other than whom, once upon a time, George Washington flung, *flagrante delicto*, from the throat of his beloved country. Be assured, too, that history will repeat itself in its own good time. You can not avert it. Conciliatory, and slow to resistance, the American people now mean to drive you from power.

Paul Revere, riding again, is shouting from house to house in swift warnings, for your recent panic, withering industry like a hot blast, only too plainly now manifests your ultimate purpose. Whatever hope of peace existed, this last means war—war to the extermination of autocracy, war upon predatory wealth in all its forms. But, Mr. President, there is something more to which I wish to invite attention as manifesting the present alarming temper and power of the trusts. Sir, I charge that they have adopted a system to corrupt the very fountains of individualism and of public morality. Our very children, the hope of the future, these they have insidiously set craftily to ensnare. Entering our churches and schools, masked and covered by pretended bounty and munificence, cold, calculating autocracy would metamorphose childhood, dry up the very springs of love, and steal away that soft and guileless innocence which characterizes the heart in the first flush of virginity, manly vigor and power. Not content with robbing the present, they calculate upon enslaving the future. Not only would they steal from the tabernacle the ark of our covenant, but transform our colleges into temples to Baal. Broadcast would they sow seed of disloyalty, not alone to the brotherhood of man, but to the Fatherhood of God. Deny it? Ah, yes; denial is the expected, the universal resort of guilt. But, if you dare, I challenge you to put yourself upon the country. Ah, upon the contrary, what do they? Throw themselves, sir, upon the ample bosom of a grasping press, while generously enlarging endowments to

churches and colleges—throwing up defenses, making ramparts against the power of the people.

Only recently, think, sir, here was published a denunciation and slander of your Chief Executive by a stall-fattened college professor, all because in a brave, democratic, special message, bluntly Western in directness, the President dared to call a spade a spade. And this most mighty prodigy of conservatism and wisdom—who is he? Whoever he may be, it was quite fitting that at the very crest of the present panic the music of his oration should have delighted the ear, as doubtless it did, of the New York Bankers' Association. Ah, "Day," I am told; *Day* is the name! James R. Day, the very same, sir! James R., chancellor of Syracuse University, paradoxical as it may seem. "Day," indeed! Period of effulgence, the antipode of darkness and night! Nowhere do our common calendars show it; nor have astronomical researches taken note of such a Day. In Genesis, it is true, the first seven days only are mentioned. Presumably, then, James R. is not of these. Logically, therefore, I take it he must have been prior in time; in fact the sum total of that darkness and void immediately antedating that negative or nebulous status spoken of in Genesis as "In the beginning," thus identifying James R. with the primitive, plutonic Day! His frantic frothings I should not stoop for a moment to dignify before the world did not they, made when and where they were, fittingly show forth the strutting boastfulness and daring arrogance of the money power. It is not enough that he has slunk out of sight into the stiff, thick night of his original obscurity. His sentiments were representative, nor shall the trusts go unwhipped for his bestial vomit against democratic truth.

Among other things, speaking of the recent special message, James R., taking a golden spoon temporarily from his mouth, said: "I charge the whole business with bearing the earmarks" ("the whole business" being the whole message, sir) "of disloyal slander and defamation of the commerce of the country." "Earmarks of disloyal slander"—those are his words—"disloyal slander to the commerce of the country;" as if there was a loyalty owing anywhere other than to the Constitution of the Union." "They are not," says Mr. Day (referring to the President's "attacks") "judicial, specific, and particular. They are sweeping, reckless, indiscriminate, and, upon their face, for the most part, false." Thus pleads the incomparable criminal lawyer, the paradox-

ical, sunless Day. With the green-bag load, bent upon technicality and delay, he ludicrously strides up and down, wrinkling his brow with wisdom, and the while busying himself with a show of assurance characteristic of the professional shyster who counts as success whatever wins. After roundly denouncing the President, this little Syracuse monstrosity counsels to New York banks, as if also master of the people, "to stop the ravings of the demagogue, serve vigorous notice upon the men" (the President he means, and others who hold to Democratic doctrine of the kind mentioned) "serve vigorous notice upon the men *who are defaming our business men* and discrediting our trade by representing our products as the sum of all villainies in fraud and adulteration." "If you will call to account," said he—"call to account" was his language—"call to account the men who are depreciating our bonds and stocks by comparing our great centers" (the bucket shops, he means, sir) "of brokerage and exchange with a den of thieves," and so forth, "sixty days"—so he speaks for those who precipitated the panic—"will put an end to our hard times." Only sixty days; so criminal, then, is their control and manipulation of the panic! Confession, indeed! What egregious effrontery! But, further, Mr. Day counsels his masters "to see to it"—the language of command and authority—to *see to it* that our great railways have fair play in their efforts to make new adjustments" (*new adjustments* is what he calls it) "to meet the demands of a fabulously growing country."

God save the mark! We now are made aware for the first time to what must be referred the interminable, vexations, mergers, and rebating delays and overcharges with which the country has been so long inflicted. Mr. Day, following this grave counsel, turns to the people and in stilted pedantics warns them that they "must rise up out of suspicion, ignorance and distrust concerning economic conditions and refuse to give their votes to men who defame their country," terms, sir, manifestly synonymous, in the vocabulary of Syracuse University, with "men who defame our tariff barons and trust magnates of New England." "If you acquiesce," continues Mr. Day, now again speaking to the bankers of New York, "if you acquiesce and by silence consent to the infamous work of the slander-monger and permit"—*permit* is the exact word—"permit the widening of the breach between our *thrifty classes* (stock gamblers and captains of graft, I take it, was immodest, sir), "and the restless, anarchistic Social-

ists" (the toiling masses is a proper translation); "if you look on without uttering a word against an agitation which invites the anarchist to sharpen his dagger, that invites the poor"—mark his words—"that invites the poor to take property from the rich by violence because it has been stolen from them \* \* \* then before another half decade blood will flow in our streets and the Night Riders' torch will light the heavens with appalling glare." Thus, in plutonic gloom, perched upon Syracuse University, quoth its sable-robed, though lilliputian, prophet. With what boldness, what assumption, does plutocracy at last outline its campaign against public servants who dare challenge its unbridled sway. Ah, sir, there has been denial that Mr. Day speaks for the trusts. For whom, then, does he speak? Not certainly for the people at large whom he has characterized as "anarchistic Socialists." "The whole people" are groveling "in suspicion, ignorance and distrust concerning economic conditions," does he not charge? His, sir, is emphatically a special plea for "our thrifty classes," and he speaks for them.

The wrongs of the railways are called "efforts at new adjustments," and he speaks for them. His whole plea is a sugar-coated, technical evasion in defense of commercial brigandage and is meant to arouse wealth to greater relentless-ness and violence. In one breath it is maintained that "the attack is not judicial, specific, definite;" in another he charges that the message "upon its face, for the most part, is false." Too definite to be understood, yet most of it, *prima facie*, false! False, most of it, upon its face, against nobody in particular. "A slander," says the voice from Syracuse, "upon our great centers of exchange, upon our thrifty classes!" The charges, it is complained, have not been definite, not specific; the allegations are not ample to constitute the offense. Very well; there is a new indictment: "*We, the people of America*, of whatever party, adherents to the doctrine of equal rights to all, in the name and by authority of the Constitution and the Declaration of Independence, do accuse the Standard Oil Company and John D. Rockefeller, its high priest, of the crime of treason, plutocratic robbery, and conspiracy to subvert government, committed as follows, towit:

"The said Standard Oil Company, and John D. Rockefeller, within and without the United States of America, for the last twenty-five or more years then and there, not having the fear of Almighty God before their eyes, but being seduced,

persuaded, allured and instigated by the blandishments and enticements of the devil and his imps of hell, inclusive of "standpatters" against tariff revision, unlawfully, feloniously, wilfully, maliciously, deliberately, wantonly, wickedly, mendaciously and without decency or feelings of humanity; by means of national banks, tariffs, currency manipulations, gold standard, by stock exchanges, by produce exchanges, by bucket shops, and other gambling devices; by merger, conspiracy, pools, trusts, combinations; by subsidizing legislation and press and public institutions, including churches and colleges whenever and wherever practicable; by watering stocks, by fraud, deceit, common lying, rebating, overcharge, adulteration, fraudulent insurance, and thefts of insurance funds; by boodle election funds, graft, thefts, three-card monte tricks, by a wicked colonial policy, by a public profligacy, by special legislation, and by other wicked and devilish means and devices, conceived by the devil aforesaid, and, in his absence, by Pierpont Morgan and John D. Rockefeller and their abettors, whereby the defendants, and each of them, have despoiled all the people, brought liberty to shame, and in the manner and by the means aforesaid the said corporations, trusts, and other defendant conspirators, instigated by the devil aforesaid and by his imps of hell, including the said "standpatters," have wickedly, jointly and severally set up, and attempted to set up, over the free people of America an oligarchy of gold, against the inalienable rights of men, the justice and peace of God, and the exalted dignity of organized labor.

Such is the charge which the country makes against predatory wealth.

Sir, I now take leave of a little chancellor of a big university. Let his original obscurity fold again silently and congenially about him. In the amplitude of time sufficient intelligence may there penetrate to quicken sensibility, if not to repentance, nevertheless to the truth that obscurity is the proper habitat of small minds. The alarming sentiment, sir, of which Mr. Day was made the voice is alone what concerns the country. Upon every hand coming conflict presses nearer and nearer. Insatiate greed and vaunting ambition out of desperated pride will rule, if possible, or ruin. I repeat, as applicable, the words of the immortal Lincoln: "The Republic can not long endure half slave and half free!" If not exact, it is the substance; and what was then said of negro slavery applies broadly today to whites and blacks, slaves of

graft and greed. And, Mr. President, seeing now the resolution of plutocracy, let the Democracy, let patriotic men in every State, indifferent to party lash and party line, make common cause in the November elections. Not as a partisan, but as a Senator and a citizen I pray God that the people, perceiving, will act resolutely in time to avert the danger. Party lines in such a crisis; let them, sir, go to the winds. I care not whom, joining hands with me in a common cause against the enemies of my country, be his tenets what they may, I hold him my brother. But woe to defenders of plutocracy, crawling, creeping, cringing travesties in the degenerate line of Adam, so wholly lost are all such to humanity! Before the forum of the people let plutocracy answer. In the nature of debate here, if argument were necessary, such a remedy is inadequate. To debate is futile, for those who will not hear are deaf to your entreaties, while the willing millions have been long convinced. Action, decisive action, must be our motto. But, sir, at this time I can not wholly forbear, indeed, the intolerant insolence of gold, so deep-seated is its arrogance, a royal swagger so characterizes its bearing, its tone and manner is so insistently threatening and virulent, that I can not at this hour wholly ignore it without a sense that duty to my country remains undischarged.

It is false, the deceptive cry, that Americans, any considerable portion, or that any part in America is at enmity with honest wealth. Nor has violence against plutocracy anywhere been counseled. The despotism of gold, while there is determined resolution to overthrow it, it is to be done in order and with decency by the American ballot. Violence? Sir, whatever of this has been counseled is found in publications and speeches inspired by plutocracy itself. But, sir, what would they understand or mean as "violence?" Godly wrath? Scourging thieves? Say you that such is violence? Ah, Mr. President, what means open, defiant denunciation of the masses "as suspicious, ignorant and distrustful?" A merciless panic, criminally precipitated, followed by brazen boasting that it will be lifted only at the price of submission to Mammon? Here, then, is your violence! And if blood at any time shall flow in our streets or the heavens be lighted up by the Night Riders, be assured, Senators, that that glare, however appalling, heating the crimson flood at the feet of plutocracy, will metamorphose into a lake of everlasting fire.

Mr. President, be it far from me to excite needless alarm, but be not deceived by the conservatism of the people. For

forty years or more patience has marked their every action; but patience, worn and discredited, has given place to resolution. Radical reforms must now be inaugurated, a swift return to fundamental justice. Dallying and procrastination, fruiting in mock performances here, must give place to earnest obedience to public demands. Sir, shall it be deemed chimerical, such a sentiment expressed in this great body—for here and now I do proclaim that this country, if it shall enjoy true prosperity, if it shall again take its place as leading among the Christian nations of the earth, must return to the old ways, the old sentiments, the old beliefs. Not to superstition, not to old errors. No, but to old simplicity, which regards justice; to old honesty and love whose correlation is the brotherhood of man. Turning backward? No! Turning forward and upward—manward and Godward!

Ah, do I dare declare before the Senate, *before the wide world*, that putting down the lust for gold, American ideals must now be conformed to those simpler, aye, grander truths of immortal being. The false and dishonest which honeycomb commercial life, misnomered "thrift," a synonym for "graft," these, all these, and their kindred pestilentially swarming everywhere must perish under the tread of right and justice. Severe as have been its tests, the temper of the American people can endure no more. Rotten business and commercial structurals, if I mistake not the American temper, are doomed. The wonder is that, considering that temper, there has been tolerated for a moment amongst them a system which must ultimately work destruction to all for which government was instituted. Proudly have we boasted of the vastness and greatness of our Republic. Press and public men alike magnify the splendor of great cities in almost every State. The public domain is ample to house and feed the habitable globe. Unparalleled systems of railway, threading into rich mining, manufacturing and agricultural sections, are laden with incomparable carrying, while phenomenal works, both public and private, everywhere meet the eye; all, all to what end? Glory, sir; only glory! That glory which has regard only for the jealousies and ambitions of surrounding nations. Prowess and statecraft "glory," which means "might" in war; *greatness* in comparison with other parts of the world. But, Mr. President, true glory in none of these is to be found. Besides, the people of America are a Christian people; and is not ours a Republic? Essentially grounded upon justice, its cardinal principle the broth-

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erhood of man, all glory is vain, every mark of greatness must grow dim and fade away, if it be not rested firmly upon individualism, which, sir, is the chief glory of man. Ah, the glory of the Republic!

## IX.

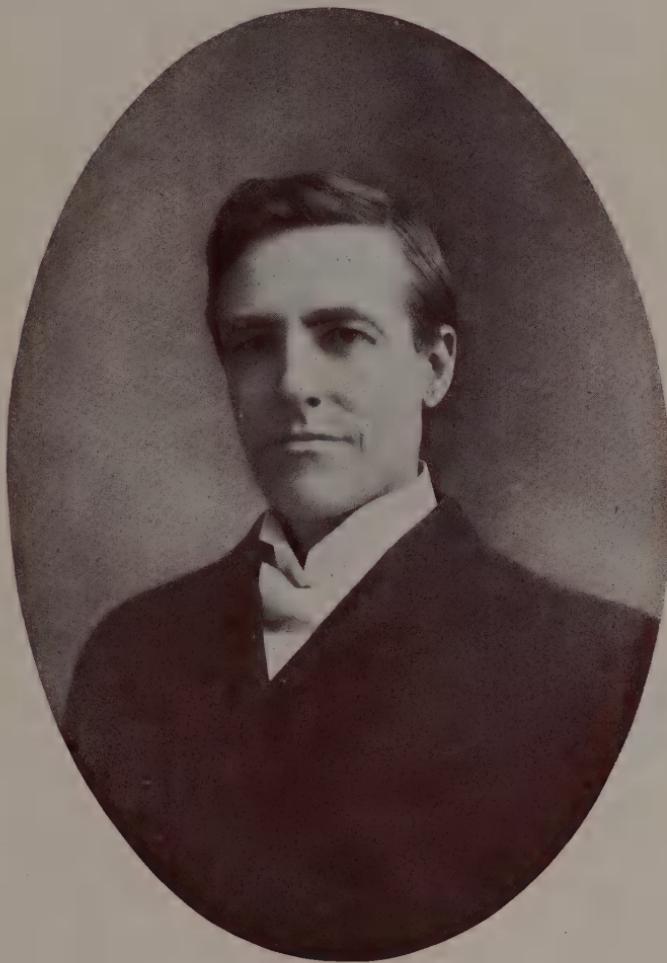
### HIS POWERFUL PERORATION.

Mr. President, be the Senate not in doubt, my sentiments are my own; and so, in my place here, denying that what glitters, or that mere brute power is glory, I charge that until equality is assured and labor and merit accorded justice, so that individuals, men, be unshackled in life's fitful race, shame rather than glory must be the portion of this Republic. Babylon, Egypt, Rome, begloomed in paganism, splendid in national achievements, unsurpassed in arts, letters and architecture, whose wealth dazzled mankind and whose arms terrified, what, nevertheless, have we at last more than they? The towers of Babylon have crumbled; ruins, it is true, of the coliseum, yet the name, but the glory of Rome is only ruins. Ah, I need not be assured that there, sir, "still stands the Pyramids." Yes; but bald and dead. Amidst the stifling solitude, massively, brutally, the Pyramids have withstood decay, vain monuments of stone, blindly peering into oblivion, as if fated to mock that national glory whose foundations are reared not in the hearts or affections of man. Sir, I honestly pray you, let us promise for this Republic a different glory. I would put it down to ravages of time, make it impregnable to the elements of decay. I hold with the belief of perpetuity in government. Dissolution and death are penal, necessarily—the awful price with which governments no less than men purchase so-called "pleasure and glory" for a season. Contrarywise, whatever is good in the essential constitution of being survives forever. Condition the Republic, then, sir, if you would avert its destruction; conform its resultants to an immortal environment from whence alone proceeds whatever is of lasting moment. Restore this Republic, therefore, I pray the Senate, to her primitive purpose; moor her back to an anchorage where justice is deep, where contentment and peace, as green sward, line the shore and far and wide overspreading the skies, where eternal morning, from horizon to horizon seem vibrant in the rising glory of fraternity and union. Deem me not to importune; for what think you portends the unrest, the strikes, the

distress, the suffering, and poverty in a land so naturally blessed?

Sir, do men seek out these things of free choice and hug them in a fond embrace as so many blessings to themselves and to their children? Or are these conditions but incident to and irremedial even in boasted American government? No! Let us for once try justice. To dispel unrest, murmuring discontent, suffering, and poverty, try happiness upon the American plan. Let the Government send amongst them an army of equal blessings and equal opportunity. Unfrock captains of industry and colonels of tariff regiments. Relieve from duty *Major Privilege* and *Brigadier Favor*. Court-martial General Graft; put in the guardhouse his Lordship Monopoly, and shoot, as a camp-following traitor, wherever and whenever found, venal vagabond journalism. With such an army thus unhampered, armed with justice, you may mow down discontent, put poverty to flight, and bind the people in the everlasting bonds of peace and happiness. With my whole heart I challenge you to assure to the people a fair and equal race for those prizes which the God of nature has set before us. A consummation so much to be desired will demand all of our energies and all of our courage. Deep-seated the influences which must be dislodged and routed. False standards, long unchallenged, are now to be supplanted by probity and fairness, while trusts and associated evils shall be summarily executed; beheaded, sir, without benefit of clergy. Monopoly, every vestige of it, if this Government shall be restored to the affection of the people, must be strangled without cessation while one spasm of ebbing life remains. Moreover, Mr. President, even corporate activity, useful as, with legal restraints, corporations may be, demands rigidity of legal control. Soulless and artificial, corporations only of all persons are by nature and constitution slaves, bereft of every right and privilege save those of slaves. Yet, under favoring laws, corporations, how have these baseborn creatures presumed to the place of master. Or can it be that, having builded other than was dreamed, there now, at the full tide of our material hopes, spring from the loins of the Republic monsters to seize upon and devour before our eyes the last hope of liberty?

Sir, to this what some would make reply I am fully aware. Great public and private enterprise, it is observed with singular irrelevance, call for united minds and means beyond the dream of individual effort. Sophistry such as that—the best,



**REV. BEN COX.**  
Senator Davis's Pastor.



to be sure, where all is bad—is offered but to deceive. Never for a moment, as the enemy well knows, has the most radical of my school of believing inveighed against great corporate enterprise, public or private. Development, progress, advancement, broad and deep and high, strike boldly for these and, in God's name, whatever betides, I shall follow you, scouting mere partisanship as but a shadow whose objective alone appeals to the highest hopes of the race. For one, I stand for government which for a verity assures to all men life, liberty and happiness—not to some, not to a few, but to all. Not for the greatest good to some, or even to all. No; but let wise laws be so ordered that the weak and lowly, the minority, and the individual citizen shall be amply assured. Utopian dream? Nay, nay! Majorities whipped by passion or swayed by selfishness, hurried blindly out of love of power, or maddened, as leaders often are, under the spell of wealth, crucify minorities; individualism is trampled upon mercilessly and men by the thousands—men, women and children—are fed to the crunching wheels of Mammon, while other thousands are offered up in sacrificial piles to the god of gold.

Mr. President, this Government, be assured, was designed to be, and so it shall remain, a government of, for and by the people. Regardless of party, then, I pray that it may be restored to them. Short of that all exertion, all progress, though there be transitory gratulation, will at last disintegrate and fall away. I, sir, would that we rear a great government, builded not for the present alone, but for our children. Ideal government, so far from being incompatible, is in accord with more comprehensive enterprise, with broader and deeper currents of civic and industrial life. Indeed, ideally a republic aspirant in all material progress may righteously challenge the envy of nations and court world-wide the admiration of civilized man. Good government is not incompatible with the acquisition of wealth nor with the wise and beneficial disposition of it, but, sir, this is yet to be reaffirmed: That government possesses not elements of perpetuity where administration disregards justice and where public laws defy the equality of man.

Mr. President, I can not bring myself to a conclusion of these remarks without some word of entreaty, something addressed to a sense of humanity no less than to a sense of official responsibility. Before high heaven I implore the Senate by the equanimity, justice and wide influence of your policies to win back the hearts of our people. I entreat not

for the present alone, but for the future. I know, and you know, that without contentment there must be injustice, and if there be room for injustice, government, if liberty be not sacrificed, must be reformed. Sir, I am awfully sensible that we are but men; nor is there, therefore, unwarrant if it be inferred that we are possessed of the hopes, the weaknesses and the ambitions of men. Seize then, Senators, upon a propitious moment. Restore the Republic to her primitive moorings. For fleeting show only at last is wealth, ambition, and power. While their enticements are seductive to selfishness and love of glory, be reminded in the full flush of life that in death they are separated from us. Besides, looking to posterity, the heritage which must be left them, can it be that at so enormous a cost we are willing to sacrifice our very children upon the altar of Moloch? Mr. President, in all ages monuments have been reared to perpetuate men and deeds. In our own day, libraries, beautifully emblazoned, and rich endowments to colleges, mark the yearning of men to be remembered. These monuments of stone, however, must decay. Not one stone will be left upon another. Disintegration ultimately shall sweep, as fine sand before the winds, every particle of the monumental piles. Mr. President, chide me not when I plead for this Republic. To her, sir, have I given of my best love, and devoutly do I pray that it may be perpetuated to our children. I invoke all the power of this great body, therefore, to build here a monument. Looking abroad, nowhere is there beheld a single ray of hope for liberty if at last American institutions shall prove too weak to endure the strain which is now upon them. Let us build a living monument, mortar its foundations deeply, securely in the hearts of the people. Rising, sir, supremely above selfish considerations and awaking from every sinister or partisan dream, let the great Senate of the United States scourge from power predatory wealth and assure forever to us and to posterity the priceless blessings of equal rights and universal liberty. To such a consummation, while yet it is day, may God in his wisdom concentrate every energy of the Senate.

# CHAPTER X

## TO SUPPRESS DEALING IN FUTURES.

### I.

#### ONE OF COUNTRY'S GREATEST EVILS.

The Senate having under consideration January 26, 1909, the bill (S. 1730) to prohibit and suppress gambling in futures, etc., in certain cases—

Mr. DAVIS said:

Mr. President: The bill which I present for the consideration of this honorable body is leveled at one of the greatest evils that exists in this Government, namely, gambling in the products of the soil; gambling in the fruits of human industry, the fruits of honest toil. The object and purpose of this bill is to suppress this character of gambling, and I feel secure, sir, in the position I take, that if this bill shall receive the favorable consideration of Congress and shall become a law, it will accomplish the purpose for which it is intended and eradicate and destroy this great evil.

The provisions of the bill, to my mind, are plain, simple, yet effective. Section 1 of the bill provides that it shall be unlawful for any person, association of persons, corporation, or association of corporations, being in any State or Territory in the United States or any foreign country, to deliver, receive, or transmit, directly or indirectly, or to be interested in or to aid in the receipt, delivery, or transmission, by means of the mail, telegraph, or telephone, any intelligence or information, message, letter, or card, or other device whereby any intelligence or information may be conveyed to any other parties, persons, or associations, or corporations, for their use and benefit, relating to or in any way concerning any transaction suggested or proposed, whose true intent may be to gamble or speculate as to the future market price of any product of the soil, commonly known as "buying and selling futures," provided, that *bona fide* sales and delivery, according to contract, shall not subject the parties to such transactions to the penalties of this act.

Mr. President, this section, when boiled down to its last analysis and relieved of its legal technical verbiage, provides this: That in any interstate or international transaction it shall be unlawful to use the mails, or the telegraph, or the telephone system for the purpose of conveying gambling propositions between buyer and seller.

That this may be done can not be disputed by any one who has given the subject careful consideration. For the present purpose of the argument, let us concede that buying and selling futures, as commonly understood among men, is a gambling transaction; then, I take it, sir, that it will not be gainsaid or denied that Congress, by proper bill, may provide that the public mails may not be used for the purpose of assisting, aiding, or encouraging such a gambling transaction. In like manner, Congress may say that the telegraph system and the telephone system of the country shall not be used for the purpose of conveying intelligence from buyer to seller, or *vice versa*, in any transaction of this character. These, Mr. President—the mail, the telegraph, and the telephone—are the three great means of communication, and if Congress shall, by law, place an inhibition upon their use for this purpose, the day of the speculator in the products of the soil will have ended, and the business of the cotton and other exchanges of the country will have ceased. Whenever we, by means of legislation, stop the means of communication between the buyer and the seller, this business of the gambler falls of its own weight, because when the feeders, through the instrumentality of the mail, the telegraph, and the telephone, are shut off, the gamblers at the fountain head of this nefarious scheme can not gamble among themselves, and their business is at once at an end.

Section 1 of this bill, Mr. President, provides a penalty not only against the telegraph and telephone companies who receive and transmit these messages, but it provides a penalty against the man who sends the message; also against the man who receives the message. It so hedges in this illegal transaction and makes the continuation of it so hazardous and uncertain that few will care to risk being caught in the meshes of the law in order to carry on this character of enterprise. Section 3 of the bill provides that it shall be unlawful for the postal authorities of the United States to receive for transmission, whether properly stamped or not, any letter or other thing mentioned in section 1 of this act; and if such unlawful letter or card shall at any time come into the custody of any postal official, it shall be marked "unlawful," filed in a place securely locked under the supervision of the proper postmaster or postal official, and notice of its possession given at once to the district attorney in the district in which it is taken, or to the Attorney General, and the Postmaster General shall

make and publish proper rules and regulations for carrying into effect this provision.

Section 4 provides that if any officer of the Postal Department having the lawful possession of any such letter or other thing mentioned in sections 1 and 3 of this act, and shall, knowing the unlawful character of said letter, deliver the same, either to whom addressed or to any other person, except as provided in section 3, to the district attorney or Attorney General, shall be subject to indictment, and, upon conviction, shall be fined in any sum not less than \$100 nor more than \$5,000, and shall be removed from office, and thereafter shall not be eligible to hold any office of public trust.

Section 5 of this act provides that any other person, other than postal officials, who shall violate this act shall be guilty of a felony, and upon conviction shall be confined in the penitentiary for not less than five nor more than fifteen years.

Section 6 of this act provides that any corporation violating the provisions of this act shall forfeit and pay to the United States of America for each unlawful act not less than \$10,000 nor more than \$100,000, to be recovered by proper suit, one-half to go to the informant and one-half to the Government. Besides, if the district attorney or the Attorney General shall be derelict in his duty, or shall neglect or refuse to enforce the provisions of this act, then section 6 empowers the President of the United States to appoint some suitable and proper person that will enforce it.

This act, Mr. President, brief as it is, plain and explicit as are its terms, in my judgment, is a thorough and a complete remedy for the evil at which it is directed.

Of course, it is not contended that Congress can regulate transactions happening or occurring wholly within any given State. It can only regulate such transactions as are interstate or international, and this is all that is intended or contemplated by the bill under consideration.

I had the honor, Mr. President, while Governor of my State, to draft a bill along these lines, applying to gambling transactions occurring wholly within the State of Arkansas.

This bill, as drafted by me, was enacted into a law by the Legislature of Arkansas, and can be seen by reference to the acts of Arkansas for the session of 1907, and is much more drastic in its terms than the bill now under consideration. It provides a penalty against the use of the telegraph or telephone lines wholly within the State of Arkansas, for the purpose of conveying information between buyer and seller in

one of these gambling transactions. The Western Union Telegraph Company resisted the enforcement of this law in the United States District Court in the city of Little Rock, Ark., and was defeated at every point, the court upholding the law absolutely as written, and so thorough was the construction given the statute in this case and so satisfactory the reasoning of the court that an appeal was not taken, and today there can be no buying and selling of futures in the State of Arkansas, and no bucket shops are permitted to carry on their crooked transactions.

Now, Mr. President, the only difference between the Arkansas statute and the bill under consideration is that, in the bill now presented, we prohibit the use of the mails for this unlawful purpose. This, of course, can not be done by State statute, and I appeal to Senators here to help me in the enactment of this law to suppress this great evil.

Dealing in futures, either in cotton or grain, is conducted through the agency of exchanges, the most notable of which is the New York Cotton Exchange, and to this I desire to direct your attention especially. The New York Cotton Exchange, as is well known to each Senator, is a corporation organized under the laws of that State; it is composed of less than 500 members, and the number can not be increased beyond that; the initiation fee is \$10,000, and new members are elected by the old; no man can deal directly in cotton futures unless he is a member of this exchange.

It is not contended, Mr. President, that every sale of cotton made by the New York Cotton Exchange is a gambling transaction, but I desire to say that during the fight before the Legislature of my State, for the passage of the Arkansas statute against this evil, I personally cross examined, under oath, one of the brightest members of that exchange, and in his testimony before the committee having the matter in charge, he admitted that 90 per cent of their dealings were purely speculative, and that to rob the New York Cotton Exchange of its speculative feature would be to destroy the business itself.

This bill is not directed against legitimate transactions, where the delivery is made, or can be made, but is only directed against that character of transactions where no delivery is ever contemplated, either by the buyer or the seller, and nothing is expected to be done in the way of the completion of the contract except to pay the margin or difference between the price at which the produce is sold or bought and

the price of the market at the time delivery is to be had; in other words, to pay the difference in the fluctuations of the market, which is purely speculative, and as sworn to by this member of the New York Cotton Exchange, 90 per cent of their transactions are of this character. As further proof upon this point, Mr. President, I submit an extract from a report of the Senate committee appointed by this honorable body to investigate and report upon this subject, such committee being presided over by that able jurist and statesman, the late Senator George, of Mississippi. This committee made a full examination of the entire option question, took the fullest testimony from the ablest representatives of the exchanges, and made a report, Senate Report 986, third session of the Fifty-third Congress. Here is what that committee had to say as to the option system:

In the first place, let it be noted that only in and through and under the regulations of the two cotton exchanges in New York and New Orleans can this business be transacted. The cotton exchange in New York is a corporation under the laws of that State. It is composed of less than 500 members, and the number can not be increased beyond that. The initiation fee is \$10,000, and the new members are elected by the old. No man can deal directly in futures unless he is a member.

The corporation has absolute power over the dealings. All disputes or controversies are settled by a court established by the corporation itself, in what is called "arbitration proceedings." Neither party is allowed to call in a Federal or State court. It fixes the grades of all cotton, designates the warehouses in which it shall be stored, fixes the fee, and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotation of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there are no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members, made in response to argument made on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market; and, on the other hand, when it deems prices too low at other places, may immediately buy all that can be offered.

The New Orleans Cotton Exchange, though located in the largest cotton market this side of the Atlantic, is a mere annex to and a subordinate of the New York Cotton Exchange, and so need not be described further than by saying if it had the will to do good it has not the power.

Such are the agencies and localities of these dealings, and they are the sole agencies and places for transacting this business.

## II.

### ITS RELATION TO COTTON.

Mr. President, I select the one product, cotton, for the purpose of this argument, notwithstanding the bill here proposed forbids future dealing in any product of the soil. I select cotton because I hail from the Southland where cotton is king, is our staple commodity; where cotton is our all. God has

blessed the Southland as he has no other portion of this great Commonwealth. He has given us in soil and climate a corner on the production of this great staple, and it is to prevent the gambler from despoiling our agricultural people, not only of the South, but of the West as well, that I ask for the passage of this bill. If it be insisted that the New York Cotton Exchange is a legitimate business, and that it is not a gambling device and should not be disturbed by legislative enactment, I have but to call attention to the fact that the average yield of cotton for the past ten years has been about 11,000,000 bales. Ah, Mr. President, how many bales of cotton have been sold by the thieves and gamblers in this New York Exchange? More than ten times the amount annually produced by the farmers of the Southland. More than 10 bales for 1. Then I ask the Senators upon this floor who would oppose the passage of this bill, how can delivery be made?

Do you not know, as a matter of fact, Mr. President, that delivery is never contemplated? Then, if this is true, this New York Cotton Exchange is one great big gambling institution; and shall it be contended that simply because it is a gambling house upon a large scale, controlled by the wealthiest men in the land, that it shall go unwhipped of justice, that it shall go unpunished by law, when the small gambler that risks but little on the throw of the dice is punished by the laws of every State in the Union and would not be countenanced by any Senator upon this floor? With an average annual yield of 11,000,000 bales of cotton, this exchange has sold more than 100,000,000 bales annually, and I say to you, Mr. President, that this 11,000,000 bales actually produced, by no process of reasoning known to myself, can be rubberized so as to cover 100,000,000 bales of fictitious cotton sold by this crowd of gamblers; and it is well known to every dealer that a delivery is a physical impossibility, and no delivery is contemplated in the transaction. The whole transaction is a pure gamble, a bucket shop transaction of the worst kind, and no exchange should be lawfully empowered to continue this gambling game.

If we needed further proof that the business of the New York Cotton Exchange is purely a gambling device, we have but to examine the case of Irwin against Miller, 110 United States, 499-507-508, where that court of last resort, the Supreme Court of the United States, sanctioned the charge of the trial judge to the jury, which was as follows:

If, however, at the time of entering into a contract for a sale of personal property for future delivery it be contemplated by both parties that at the time fixed for delivery the purchaser shall merely receive or pay the differ-

ence between the contract and the market price, the transaction is a wager, and nothing more. It makes no difference that a bet or wager is made to assume the form of a contract. Gambling is none the less such because it is carried on in the form or guise of legitimate trade.

The Supreme Court of the United States said:

We accept this as a correct statement of the law upon that point.

It is estimated by the press of the country that the average daily sale of future cotton by the New York Cotton Exchange will equal a million bales per day, or 300,000,000 bales annually, or more than 30 times the entire actual product of the soil. While this estimate of the press may be excessive, yet it is in the neighborhood of correct, and shows conclusively that no delivery is contemplated by the parties to the transaction, but that it is gambling pure and simple.

If additional proof were necessary, Mr. President, to establish the fact that this future dealing in cotton is but a gambling transaction, I may quote more liberally from the report of the Senate committee above referred to. This report is based upon the testimony of cotton experts, cotton growers, cotton merchants, and men schooled in every phase of cotton production in each of the ten States that grow cotton. This testimony is full and complete and covers more than 500 pages of printed matter in the Senate document to which I have referred. In the testimony taken before this committee it is contended by the advocates of future gambling that there is or can be an actual delivery in each of these future sales. The committee, however, say, after a careful analysis of this testimony:

It is shown very conclusively that the actual deliveries, as they are claimed to be, are, in fact, fictitious. It is shown that a certain number of bales are classed, weighed, and certificated, and deposited in a warehouse. Each certificate is for 100 bales and is a legal tender for delivery under one of these contracts. It is negotiable and passes around from hand to hand, ~~as~~ other negotiable paper. It is tendered and accepted on an average at least 30 times before it rests. In this way it is claimed 3,000 bales are delivered to one certificate, yet, in all these various transactions, not ~~a~~ bale of cotton is seen or actually passes from one man to another.

The cotton all the time rests in the warehouse for delivery, it is true, to the holder of the certificate, but the holder is a mere gambler in futurs and does not want the cotton any more than the purchaser under the futures contract wants it. So he does not call for the delivery, but makes it the basis of further dealings in futures. He makes other sales, and, in compliance with these, delivers the same certificate; and it thus goes the active round of transfer and the negotiation till it settles another 3,000 bales or more, and so continues till the twelve months for which it runs has expired. Nor does this necessarily end it. It may be certificated again for another twelve months, and ~~as~~ on *ad infinitum*, or until, having performed its office in being the foundation for innumerable *pseudo* deliveries, it may be retired from active business by a real sale and delivery to the paper manufacturer or some other user of inferior cotton.

The ingenuity of these dealers thus, in the settlement as in the making of contracts, simulates real transactions so well ~~as~~ to give color to their

claim that these dealings are not, as they are in law, pure gambling on the future price of cotton. In the contracts the stipulation to deliver is mere sham, never intended to be fulfilled, compliance being evaded by ring settlements and by the sham deliveries we have described, the certificates alluded to being less in real substance than the gambler's checks, which, as representatives of money, go through many transfers, according to the varying fortunes of the game, but are supposed to be redeemable in actual money at the end of the play.

I am willing to rest my case, Mr. President, upon this point in the controversy, on the findings of the Senate committee, which, in my judgment, shows conclusively that this buying and selling of cotton futures is gambling of the worst type. Why the worst type? Because it is gambling not only in the products of the soil, but it is gambling in the flesh, in the blood, and in the bones of the women and children of the South, who are forced by the robbery and spoilation of these gamblers to toil from daylight until dark to produce the subject-matter of this gambling transaction. It will be noted, Mr. President, that the bill under consideration does not make it a crime or attempt to punish these gambling transactions *per se*, for the reason that it would be difficult to locate the *situs* or body of the offense. It is a divided transaction, occurring partly in New York and partly in the State where the buyer may reside, and it would be difficult for the courts of the country to determine just where the jurisdiction rests that might punish this offense. But, sir, the bill under consideration seeks to destroy the means of communication between the gambler and his patron, to inflict such penalties for the use of the mail, the telegraph and telephone systems for this unlawful gambling transaction as that it may leave the gambler, the stockjobber, the perpetrator of this gambling device without a means of reaching his customer for the purpose of plying his wicked vocation. If this bill shall become a law, it will be easy to locate the jurisdiction that shall have power to punish the offenses, and I apprehend that but few that now fritter away their substance chasing this will-o'-the-wisp, cotton future gambling, will dare take a chance to run amuck the penalties of the law, as provided in this bill.

The best method, Mr. President, to break up a gambling house is not to fine the proprietor at stated intervals for the privilege of running the game, but arrest and punish the frequenters of the gambling resort; and when this is known and understood there will be but few players. That is the object and purpose of my bill, to make it burdensome to the player as well as to the proprietor, and burdensome to the corporations—the great telegraph and telephone systems—who per-

mit their wires to be used for the purpose of notifying players and victims of this great gambling house to be sacrificed and slaughtered by these gambling kings. It may be insisted, Mr. President, that this character of legislation does not fall within the power of Congress to enact. Ah, sir, the Constitution of the United States provides that Congress shall have the power to regulate commerce between the States and between this Government and foreign countries. Cotton is essentially an article of commerce. The committee to whose report I have referred finds conclusively that this gambling in cotton futures is injurious to the commerce of the country, and that Congress has the power, and should exercise it, to stop this character of gambling. Then, sir, I contend that if Congress has the power to punish the thing itself—that is, the gambling in cotton futures—it also has the power to prevent the use of the mails and the telegraph and telephone systems to carry intelligence and advice and invitations from the buyer to the seller in these gambling transactions that might be absolutely prohibited by law.

Let us consider, in the second place, the evil consequences of this character of gambling. I understand, Mr. President, that by it these gamblers fix the price of the products of the soil. They fix the price absolutely and unalterably of every bale of cotton, of every bushel of wheat, of every bushel of corn that is produced in this country. Again referring to the report of the Senate committee for proof of this proposition:

The corporation (meaning the New York Cotton Exchange) has absolute power over the dealings. All disputes and controversies are settled by a court established by the corporation itself, in what is called "arbitration proceedings." Neither party is allowed to call in a Federal or State court. It fixes the grades of all cotton, designates the warehouses in which it shall be stored, fixes the fees and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotations of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there were no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members, made in response to arguments made on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market; and on the other hand, when it deems prices too low at other places, may immediately buy all that can be offered.

*They are, in fact, an oligarchy of wealth, self-created and self-perpetuated, which hold in subjection to their will the interests of the people of at least ten States in the Union.*

*In all these they assume and exercise a power of regulating interstate and foreign commerce in cotton which is vested by the Constitution in Congress alone.*

This is strong language, Mr. President, deliberately expressed after months of careful study and investigation, based upon the testimony that these gamblers form an oligarchy of wealth self-created and self-perpetuated, which hold in subjection to their will the interests of the people of at least ten States of this Union. I say to you, sir, a fact which is well known in every cotton State in this Union, in every village, in every hamlet, in every town, that cotton, this great staple, this great commodity, can not be moved, can not be sold except at the will and bidding of this oligarchy of wealth built up by these gamblers—wealth wrung from the very heart's blood of the people of the South. The smallest farmer when he carries his cotton to town, three or four bales, perhaps, the fruits of the toil of himself and his wife and babies, is met by the cotton buyer, who says to him:

I ~~will~~ not make you a price upon this, the product of your labor upon this great commodity which you are producing, until I consult the exchange; until I receive a wire telling ~~me~~ the price fixed upon your cotton.

By this great oligarchy of wealth, by this great gambling institution which is fast sapping the lifeblood of our people.

Sir, the great law of supply and demand that should regulate the price of all commodities has been wiped out, has been destroyed by this great combination of gamblers, this oligarchy of wealth that holds in subjection to their will the people of ten sovereign States of this Republic. Now, Mr. President and Senators, if these future dealings are gambling, and if they fix the price of the commodity, not by any law of supply and demand, but by the law of the manipulator, shall it be contended by any Senator upon this floor that this system shall longer continue? If we can not reach it by a direct law making it a crime to sell cotton futures, then, I pray you, sirs, let us reach it by this indirect method, by cutting off communication between the buyer and seller, by rendering the gambler helpless and impotent, by allowing his wicked and hellish business to die of its own filth and of its own putrid corruption.

Mr. President, it is no fulsome flattery for me to say that the agriculturist, that the farmer, is the most important factor in this great Government of ours; that he is the great basic rock upon which this great superstructure rests; that upon his shoulders rest the burdens of the Government. Ah, Mr. President, we can do without the merchant, we can live without the doctor, we can live without the banker, we can live without the railroad magnate, we can live without the bondholder who clips at stated periods his coupons, we can get

along without the Senate of the United States, or the President of the Unites States; but, sir, this Government can not last for the twinkling of an eye without the man who toils, who labors, and who sweats. This Government can not exist for one minute without the man who feeds and clothes the toiling millions of the earth; it can not exist, Mr. President, without the farmer. Upon his efforts, upon his exertions, upon his daily toil we all depend, not only for the sustenance of life, for the very clothes we wear, for the food we eat, but the luxuries that surround us today, because from his labors and from his alone spring all the blessings of life. Then shall it be said, sir, that the Congress of the United States, the servants of the people, shall sit here in stolid silence and close their eyes to this great evil, refusing to enact a law that will give to this great wealth-producing class their just rights under this Government, that will tear down this oligarchy of wealth built up by these gamblers, and restore to the people the great law of supply and demand to regulate the sale of their products.

Mr. President, I plead with this Congress today to enact a law that will take the white women and white children of the South out of the cotton fields, that will give to the producers of this great commodity a fair return for their husbandry and their toil, that will build up schoolhouses and churches in the waste places of our land, that will make better citizenship, that will give better opportunities for education and development, that will make the Southland, the fairest spot on God's green footstool, bloom and blossom like the roses, and will return to honest husbandmen a fair compensation for their industry and their labor.

Mr. President, there is another great agency for evil so closely connected, so closely allied with gambling in futures that one can not be discussed independently of the other, and while the bill under consideration is not directly leveled at the New York Stock Exchange, yet, sir, to properly understand the one, a consideration of the other becomes necessary. The New York Stock Exchange is a voluntary association of persons and is not incorporated, with a membership limited to 1,100. These memberships are known as "seats," and are sold at varying prices—in 1900 as low as \$14,000 a seat, and prior to that time as high as \$95,000 a seat. The membership of these two exchanges is almost identical, one, of course, not having as many members as the other, but they together embrace the richest, the most influential, the most powerful

moneyed men of the country. The dealings of each and both ramify every avenue of business and trade, are seen and felt in every feature of our commercial life, and control either directly or indirectly every business transaction of our country which shapes and determines its destiny. The combined wealth of the members of these two great exchanges whose interests interlock and entwine is fabulous, indeed, and staggers the mind of ordinary men to comprehend it.

### III.

#### THE WEALTH AND INFLUENCE OF THESE MEN.

Mr. President, of the original 24 founders, no one of them was a millionaire, and their combined wealth was less than one-fourth of what it now costs for a hundred seats. The eleven hundred members of the New York Stock Exchange comprise among its numbers the richest men of the world, but it has been said by several writers that many of them are very poor. It takes \$20,000, however, to join, and at this rate per member, the New York Stock Exchange denotes an investment of \$22,000,000. Thirteen of its members, beginning with John D. Rockefeller, are credited with the fabulous wealth of \$1,355,000,000, as estimated in the table of the 51 plutocrats heretofore enumerated by me. The New York Stock Exchange, then, through 13 of its members, represents a wealth of more than \$1,000,000,000, and the other 1,087 members may be safely credited with ten times this amount, or \$13,550,000,000, in all about \$15,000,000,000, or about one-seventh of all the wealth owned by the 90,000,000 people that constitute the United States. This is their estimated actual wealth. The ramifications of the membership of the Stock Exchange with other business enterprises make the influence of the exchange enormously greater. In the first place nearly every one of the members of the exchange is put down as a member of a firm or corporation, so that he represents, not only his own, but the aggregate wealth and interest of the firm or corporation of which he is a part. In addition to this, several hundred of these members are either directors or officers of other corporations or trusts, a fact which seems to give them the controlling influence in financial matters in the United States, an influence eagerly desired by the exchange and an influence which history proclaims has been exercised with very great frequency in the manipulation of prices, the cornering of stocks, the organization and management of panics, and, in

fact, the exploitation of every species of stock gambling and stock jobbing known to man. The financial history of the country teems with accounts, not only of the individual wrecks caused by the New York Stock Exchange, but also of the cyclonic panics which have endangered the political and industrial fabric of our country. It is useless to enumerate these, as they are the common knowledge of all intelligent men. Such influence can only be originated in a body whose wealth and influence is so great as to insure the success of its plans, whether right or wrong.

For instance, William Rockefeller is credited with an individual wealth of \$100,000,000; he is also a member of the most gigantic corporation in the world—the Standard Oil trust; he is a director of the Lake Shore and Michigan Southern Railroad, whose capital stock is \$50,000,000, and which owns \$92,000,000 of stocks and bonds in 45 subsidiary companies of the Lake Shore and Michigan Southern; he is also a director of the Michigan Central, the New York, Chicago and St. Louis Railroad, and the Pittsburg and Lake Erie Railroad, whose aggregate capital is about \$33,000,000 and whose aggregate mileage is about 2,500 miles; he is also a director of the New York, New Haven and Hartford Railroad, with a capital of \$100,000,000 and mileage of 3,500 miles, controlling 34 constituent companies; he is also a director of the Delaware and Lackawanna Railroad, with a capital of \$26,000,000; also a director of the New York Central Railroad, with a capital of \$180,000,000, and operating 12,000 miles of road. This road owned stocks or bonds on December 31, 1906, amounting to \$147,000,000 in 75 constituent lines. The influence of this man alone, when interested in the manipulation of the prices of transportation in the United States, is enormous, and becomes simply fabulous when united with the interests of other corporation magnates and trust sharks who desire to rob the public by bankrupting smaller and competing roads.

J. Pierpont Morgan is not a member of the Stock Exchange, but his son, J. Pierpont Morgan, Jr., of the firm J. P. Morgan & Co., represents the firm in the Stock Exchange. J. P. Morgan is a director in all the roads of which William Rockefeller is a director, with the exception of the Delaware and Lackawanna. To make up for this, he is a director of the Northern Pacific Railroad, with its 6,000 miles of road and \$155,000,000 of capital.

H. H. Rogers is not a member of the Stock Exchange, but is a member of the Consolidated Stock and Petroleum Ex-

change. He is a director, also, of the Atchison, Topeka and Santa Fe Railroad, with a capital of \$382,000,000; also a director of the Chicago, Milwaukee and St. Paul Railroad, of 10,000 miles and a capital of \$50,000,000; and he is also a director of the United States Steel Corporation and many other corporations and trusts.

August Belmont is a member of the exchange, representing himself and the combined Belmont interests. He is a director of the Louisville and Nashville Railroad, with its \$60,000,000 capital and controlling about 7,000 miles of road, besides representing scores of other corporations and trusts in the same capacity.

E. H. Harriman is a member of the exchange; a director of the Baltimore and Ohio, with its capital of \$212,750,000 and operating 4,500 miles of road; also a director of the Chicago and Alton Railroad, with its \$40,000,000 capital; also of the Erie Railroad Company, with its \$217,000,000 capital; also of the Illinois Central, with \$105,000,000 capital, and at the same time of the Union Pacific, made up of the Union Pacific, the Southern Pacific, and the Leavenworth, Kansas and Western railroads, operating 15,000 miles of road, with a combined capital of \$396,000,000.

George J. Gould is a member of the exchange and a director of the Denver and Rio Grande Railroad, with a capital of \$88,000,000; also a director of the International and Great Northern Railroad, with a capital of \$25,000,000; also of the Missouri Pacific Railroad, with a capital of \$150,000,000, including St. Louis, Iron Mountain and Southern; also of the Texas & Pacific Railroad, with a capital of \$50,000,000.

Others of the stock exchange membership are either officers or directors of other railroads throughout the country, and their combined influence in the exchange makes it possible to murder or maim any small railroad in the country at pleasure, as the various demands of stock gambling in the exchange may require. In this way not only the stocks and bonds of the smaller railroads of the country are placed at the mercy of the stock gamblers and robbers of the exchange, but the transportation of the whole country injuriously affected.

Not only does this membership of the exchange manipulate the question of transportation and transportation charges in its own interests and against the interests of the people, but it also exercises a tremendous influence on the telegraphic and telephonic connection of the country. On the directorate of the Western Union Telegraph Company, in bold relief, you



GOV. GEO. W. HAYS.



will find the names of George J. Gould, J. P. Morgan, and E. H. Harriman. On the directorate of the United States Steel Corporation you will find the names of J. P. Morgan, John D. Rockefeller, Jr., and H. H. Rogers. The names of these eleven hundred men, or at least the names of those representing its greatest wealth, may be found as officers and directors of iron trusts, steel trusts, lumber trusts, paper trusts, leather trusts, and all and every species of trusts known to mankind, besides being intimately connected with corporations allied to trusts and to corporations not so allied. They are officers and directors of the great national banks of their country and can manipulate a money panic whenever their greed demands. The Stock Exchange has its legitimate function, but stock jobbing and stock gambling form no part of this function.

There are economical writers who so far prostitute their talents under the seductive influence of corporation gold as to claim that there is no stock gambling and no stock jobbing in the New York Stock Exchange or the various other exchanges of the country. There are other economic writers who, under the same pay, admit what can not be denied, that a very large portion, in fact the greatest part, of the business of all of the exchanges is gambling pure and simple, but justify it on the ground of its necessity. Almost every great newspaper of the country keeps an editor, reporter, or correspondent at headquarters in Wall Street ostensibly to keep the people informed as to the news, but really, under the pay of corporations, to gloss over the knavery of exchange transactions and to write stilted reviews of exchange dishonesty and fraud.

In the Washington Post of December 29, 1908, one of these "financial owls" had the following to say:

Ten points down and 10 points up—that is the record of Union Pacific performance in the last two weeks. On Monday, December 14, the stock sold at 184½, practically the highest of the year. A week later, on Monday, December 21, it fell to 174½. Today it got up again to the starting point and a fraction beyond. Naturally many persons are asking who engineered the shake out. Even the most experienced operator is forced to admit it was clever, and if, following that, he said things that were not complimentary, it was because he had been bumped.

There is not a word in the article concerning the morality or legality of the transaction; on the contrary, the whole article is a silent tribute to the masterly rascality of the members of the close corporation, the New York Stock Exchange. I would like to ask any person who believes that there is no gambling in the exchanges of the country a simple question. By what right, moral or legal, does any man sell the stocks or bonds of a corporation in which he owns no share of stock,

nor in the sale of which does he propose to buy in order to comply with the terms of sale? By what authority does any man sell stocks or bonds in a corporation which he does not own and which he does not propose to buy in order to make a delivery? I know that the rules of the New York Stock Exchange require a delivery in order to make the transaction show some shade of honesty. I also know that the very largest proportion of these transactions carry no real delivery—stocks are borrowed to meet the demands of the exchange rule, profits pocketed, and the stocks returned without a semblance of ownership in them, save that which is necessary to cover a gambling deal.

So notorious was this gambling device, "borrowing to perfect a gambling deal," that the Legislature of New York was asked to make an investigation. This virtuous body, consorting with race-track gamblers of that State, refused to make the investigation. The Governor of that commonwealth, however, smarting under the charges made against the New York Stock Exchange with reference to the panic of 1907, and to keep a consistent record with himself as to all forms of gambling, Wall Street, as well as race tracks, felt it incumbent upon him to make an investigation notwithstanding the failure of the Legislature to authorize it. To his credit be it said that he has found competent men who are willing to serve without pay to act as a committee of investigation, and despite the handicap of such an investigation, it is to be hoped that this committee will ascertain who engineered the shakedown in the case of the Union Pacific of December, 1908, the greater shakedown of March, 1907, and the thousands of other shakedowns that go on day by day under the sanctity of the New York Stock Exchange.

In 1707, more than two hundred years ago, a great writer in London, in a remarkable pamphlet, attacked the London Stock Exchange as a band of thieves and robbers, and held that it was high treason against the Kingdom of England to be a member of that body. He argued and proved that every panic known to English history owed its origin to the thieves and robbers who made up the London Stock Exchange.

In 1871, J. F. Richmond, for years city missionary of the city of New York, and who has written a splendid little book on early life in New York City, has this to say of the New York Stock Exchange:

The board of brokers claim to be composed of honest and honorable men only. Besides this board there are various other specific boards of all kinds of speculators—stock brokers, gold brokers, oil brokers, and cliques—uniting

and resolving as occasion may offer opportunities of gain to ambitious and unscrupulous men. Among these originate the gold scrambles, the railroad wars, the raids on the banks, and other panics which crowd the streets with well-dressed but frenzied men, some flushed and violent, some pale and staggering, turning prematurely gray over the wreck of their earthly hopes.

I might multiply these quotations indefinitely, but this one covers the whole case. The laws of all States are severe in penalty as to pure gambling, which has led a noted writer, in a book quoted by Charles A. Conant, to use the following language:

If, instead of betting on something so small as falling dice, one bets on the rise and fall of stocks or on the price which wheat will reach in months hence, and if by such betting one corners the community in an article essential to its welfare, throwing a continent into confusion, the law will not pay the slightest attention. A gambling house for these larger purposes may be built conspicuously in any city, the sign "Stock Exchange" be set over its door, influential men appointed its officers, and the law will protect them as it does the churches. How infamous to forbid gambling on a small scale and almost encourage it on a large.

Charles A. Conant answered, or attempted to answer, it in the Atlantic Monthly for April, 1903. He admitted, frankly and purposely, that betting on the rise and fall of stocks as carried on in the New York Stock Exchange was gambling, but that it was nevertheless true that betting on the fall of a dice was wrong, while betting on the fall of a stock was right. This shrewd economist justified the righteousness of stock gambling on the basis of its necessity. That such gambling entered into the business relations of the entire country and could not be disassociated therefrom without a revolution, which would bring universal disaster. He argued further that there was no pure betting in the New York Stock Exchange, while admitting that a large part of the transactions partook of the nature of gambling. In other words, he differentiated gambling into two forms, pure and mixed. Pure betting, he said, was done in bucket shops, admitted that it was of no use to the community, and charged that it was destructive to the morals and pockets of young men, and argued that it could not be too highly censured.

Right here Charles A. Conant aligns himself with me, our difference being that what he calls the mixed gambling of the exchanges is nothing but bucket shop gambling, and my bill seeks to drive out this form of unrighteous speculation from the exchanges of the country dealing in the products of the soil. We are all opposed to an open bucket shop, and we should be opposed to the same bucket shop disguised as an influential stock exchange. For I hold, and I think it can not be successfully denied, that every bet on the rise or fall of stock where no delivery is made or intended to be made or

even thought of, except as borrowing enables the gambler to resemble righteousness, is nothing but a pure bet, nothing but a bucket shop transaction.

In all speculation there is, first, the actual investor; he buys for two purposes, the interest and the probable rise, and exacts a delivery of the stock. This is not gambling, and my bill does not propose to interfere with it. This is honest business, honestly conducted, and deserves no reprimand at my hands. There is, second, the semi-investor, who buys on a wide percentage of margin, but keeps an eye to the interest and exacts an actual delivery. This man is something of a shark, but I can not say that my bill seeks to limit his sphere of operation. Then there is the margin investor, who pays no regard to the interest of the stock, does not intend to exact a delivery, except so far as the rules demand a delivery, and which will be met by borrowing—one who buys and sells purely upon the possible rising and falling of the stock, looking to this rise or fall for his profit. This is pure betting, pure bucket shop dealing, and the New York Stock Exchange and other exchanges show a far greater number of deals of this kind than of the two others combined. It is this phase of exchange operations that has induced so many plutocrats to join the New York Stock Exchange.

McConihe & Co., of New York, in their little book issued in 1906, used these words:

Of recent years, however, and since the country at large has grown enormously rich, there has arisen a set of what might be called "millionaire speculators." They have more surplus money than they need to live upon and are men of big ideas. They like quick results on their transactions, and in no other form can they obtain them so readily as through the purchase and sale of stock. These men will buy or sell thousands of shares at a time and have recently become one of the biggest factors in the market.

These are the millionaire gamblers, the colossal bucket shop bettors of the exchanges, who are lauded to the skies by subsidized literary men, while the little nigger shooting craps is picked up and sent to jail.

I know that it is difficult to draw with exactness the line between *bona fide* business and business gambling, but at the same time it is not difficult to define the thousands of gambling devices that go unchecked under the cover of the sanctity of the New York Stock Exchange. Arthur Crump, in his "Theory of Stock Exchange Speculation," says:

Because it is difficult for governments to define in stock exchange gambling where *bona fide* business ends and the gambling begins, the most injurious of all the games of chance is played year after year upon an increasing scale.

Because of the difficulty we, as legislators, are not to be excused if we permit these most injurious games of chance to be played year after year, and I think that a careful study of my bill will disclose a remedy for the wrong; and I believe that if it shall be enacted it will at once put a curb to the disgraceful and disastrous gambling features of the New York Cotton Exchange and the other exchanges of the country. It is almost universally admitted that gambling of the worst kind goes on under cover of these exchanges, and it is our duty, as I see it, so far as we have the power, to minimize its ferocity, even though we may not be able to entirely destroy its frenzy.

A careful analysis of this abstract, Mr. President, will show that 13 members of the New York Stock Exchange are accredited with a wealth of more than \$1,300,000,000, and the other 1,087 members may be safely estimated at ten times this amount, or \$13,550,000,000; in all, about \$15,000,000,000, or 7 per cent of the entire wealth of the 90,000,000 people that constitute this United States. Add to that, sir, the wealth of the membership of the New York Cotton Exchange and you have a sum that equals at least 15 per cent of the entire wealth of this Nation; add to this the wealth of the men directly and indirectly associated and affiliated in business relations with these two great exchanges and you have 51 men whose wealth equals 35 per cent of the entire wealth of the United States, and 4,051 men whose wealth equals 87½ per cent of the entire wealth of the Government, a list of which was given by me in a speech delivered on December 11, 1907. Seeing, Mr. President, this great combination of wealth of these two great gambling institutions and their allied forces, that control 87½ per cent of the wealth of this entire Nation, is it a wonder that the committee of this Senate, headed by Senator George, found that the New York Cotton Exchange, one of the tentacles of this great octopus, had built up an oligarchy of wealth that held subject to its will the chief product of 10 of the sovereign States of this Republic. Not only so, Mr. President, but this combined force of gamblers can murder and stifle competition, can bring about a panic at will in the money markets of the country, can cause stagnation in business at will, and thus reap golden harvests by means of their illegal transactions.

The bill which I here present, and for which I bespeak the careful consideration of the Senate, is directed at the lesser of these two great evils and is intended to so cripple it and so destroy its power of communication with its patrons that its

evil effect may be destroyed. Gentlemen of the Senate, can there be any wrong in this bill? In your own hearts and consciences answer me the question, Ought not this great gambling institution to be destroyed? It may be said that the penalties of this act are too severe. I think not, Mr. President. If a postal official, knowing the illegal character of a letter that is being transmitted through the mails, fails to arrest it and place it in the hands of the proper official, he shall be fined not less than \$100 nor more than \$5,000; shall be removed from office and not allowed to again hold an office of profit or trust under the Government. If the ordinary individual shall violate the provisions of this act by sending a letter or by using the telegraph or the telephone for the purpose of engaging in this illegal transaction, he shall be adjudged guilty of a felony and, upon conviction, sentenced to imprisonment in the penitentiary for not less than five nor more than fifteen years. If a corporation running one of these gambling institutions or owning a telegraph or telephone system shall be guilty of violating any of the provisions of this act, they shall be fined in any sum not less than \$10,000 nor more than \$100,000, one-half of which shall be paid to the informant.

#### IV.

##### DIVISION OF THE NATION'S WEALTH.

Ah, Mr. President, if we would destroy this evil we must lay the ax at its very root; we must, by penalties sufficiently severe, dig it up root and branch and make a participation in this gambling transaction so hazardous, indeed, that none will dare to risk the penalties of this statute. Mr. President, the suppression of this great evil and the consequent crippling of the New York Stock Exchange means not only a relief for the Southland, but for the great West as well. Ah, it means more than this, Mr. President; it means a brighter day for this Republic, and renewed hopes for our toiling people. Let us for a moment consider the condition of our Government today. It may be repetition, Mr. President, but I say it without fear of successful contradiction, that the money power of the country has so tightened its grasp upon the arteries of trade and commerce, has so stifled competition that the Government itself is upon its knees today begging quarter at their hands. What is the wealth of this Government, Mr. President, and of what is it composed? I submit, sir, a table taken from Government

statistics showing the wealth of this Government, which I ask to have printed in my remarks without reading.

The Vice President: If there be no objection, permission is granted.

The matter referred to is as follows:

*Forms of Wealth.*

	1904.
Real property and improvements, taxed.....	\$ 55,510,247,564
Real property and improvements, exempt.....	6,831,244,570
Railroads and their equipment.....	11,244,752,000
Street railways .....	2,219,966,000
Telegraph systems .....	227,400,000
Telephone systems .....	585,840,000
Pullman and private cars .....	123,000,000
Shipping and canals .....	846,489,804
Privately owned waterworks .....	275,000,000
Privately owned central electric light and power stations.....	562,851,105
Live stock .....	4,073,791,736
Farm implements and machinery.....	844,989,863
Manufacturing machinery, tools, and implements.....	3,297,754,180
Agricultural products .....	1,899,379,652
Manufactured products .....	7,409,291,668
Imported merchandise .....	495,543,685
Mining products .....	408,066,787
Gold and silver coin and bullion.....	1,998,603,303
Clothing and personal adornment.....	2,500,000,000
Furniture, carriages, and kindred property.....	5,750,000,000
 Total.....	 \$107,104,211,917

Mr. Davis: This table, sir, shows in round numbers that the wealth of this Government is \$107,000,000,000. How is this wealth divided? How is it distributed among the 90,000,-000 people of this Republic? As has been shown by me upon a former occasion, 51 men, all of whom are directly or indirectly connected with these two great gambling institutions, own 35 per cent of this wealth, and 4,000 other men, who own not as much as twenty millions in wealth, but more than one million, added to the 51 men and their holdings, makes the alarming showing that 4,051 men own 87½ per cent of the entire wealth of this Government. How did this condition occur, Mr. President? How was it brought about? There is a reason for it. Nothing ever happened in this world but that behind it is a prompting and promoting cause, and as I see it today the cause of this great concentration of wealth lies chiefly along these lines. Our people, sir, as a whole—North, South, East and West—were more prosperous and happy just subsequent to the great Civil war than now. It is true that the Southland, from which I hail, in this great conflict had been laid waste and made barren; our homes had been destroyed, our fortunes had been dissipated; but the Confederate soldier,

as brave and as true and as gentle as ever lived upon God's green footstool, returned to his desolated home, and with a bravery and chivalry unequaled in modern history, that challenged at once the wonder and admiration of the world, set about to restore his fallen fortune, and how well he has succeeded history itself may repeat.

But the people of this entire Government, I contend, were more prosperous, taken as a whole, just subsequent to the Civil war than they are today. We had few tramps then. The millionaires of this Government, Mr. President, at that time might be numbered upon my one hand. The people, as a rule, were prosperous, contented, and happy. They naturally were divided into two great classes, working in two different fields of industry. The one class, upon my right, the larger class numerically, set about to work in the fields of human endeavor, the fields of human enterprise. Every implement of human industry that could be contrived was brought into play whereby this great army of industrial workers might earn bread, as God commanded, in the sweat of their faces. They worked in the fields, they worked in the shops, they worked in the mines, they worked behind the counters, they did everything whereby an honest penny might be turned for the support of themselves and those dependent upon them. The other crowd, upon my left, smaller in number, viewing the situation from a human standpoint of selfishness, from a standpoint of greed and avarice, chose to work in other fields, the field of legislation. They sought, Mr. President, to gain public favor, to secure blessings and benefit through the legislative branch of this Government not enjoyed by the toilers in the fields of human endeavor. What has been the result? In your mind view the two crowds today. See the workers in the fields of human industry; see how their back are bended beneath the burdens of Government; see how their breasts and arms are bared to the heat and burden of the day; see how they toil and sweat. On the other hand, view the crowd that has chosen to work the fields of legislation. They toiled not, neither did they spin, yet Solomon in all his glory was not arrayed like one of these.

This crowd working in the field of legislation first came to the Government, I shall not say directly or by improper influences, and they asked of the Government a great benefit, a great blessing, that was not enjoyed by the other crowd working the fields of human endeavor. They asked, Mr. President, to be permitted to issue the money of the country. In my

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imagination I can hear the servants of the people, the Congress of the United States, denying this request. I can hear the reply that this is in direct violation of the Constitution of the United States, which provides that Congress alone shall have power to coin money and regulate the value thereof, but by importunities, sir, by continued asking, the Government finally yielded, and in June, 1864, the Government of the United States turned over to this crowd, working the fields of legislation, the most important function of the Government—that is, the power to issue the money of the country. To the national banks was surrendered this important function, and from time to time they have issued sums varying in amount, but there is outstanding today money issued contrary to the Constitution, an amount equal to \$700,000,000. Mr. President, why was the blessing asked by the crowd working the fields of legislation? Because they knew the power of money; they knew its controlling influences; they knew that if they could get a corner on this important function of the Government they themselves could control the Government. Well did they know that money is the blood of commerce; that this blood must circulate freely from the center to the extremities and back again in a free and healthy circulation, if a healthy body politic should obtain. Looking far into the future, knowing the power that money would give to them, and a still greater power by controlling the circulating medium of the country, they asked and obtained this great benefit from the Government of the United States.

Ah, Mr. President, it would seem that this blessing, that this benefit thus acquired by them, as against their brethren that worked the fields of human industry, ought to have satisfied this crowd that worked the fields of legislation; but, sir, human experience has taught, the history of all republics that have gone the ways of the world, have fully demonstrated that it is difficult to satisfy the maw of greed and avarice; so this crowd, working the fields of legislation, desired a still further and a closer corner upon the blood of commerce and the money of the land; they turned again to the Government and said: "Mr. Government, give us yet another blessing, give us yet another favor, not enjoyed by the toilers of the earth. Place a tax on all State banks that are empowered to issue money; place a tax of 10 per cent thereon. This will drive these little banks out of the money-issuing business and will give us yet a tighter grasp on the control of the money of this Government." Ah, Mr. President, in February, 1875, Congress

acceded to their wish; taxed out of existence the little State banks that were in competition with this crowd that worked the fields of legislation. This, it seems, sir, should have satisfied this crowd, but it did not do so. They again returned to the Government and they said: "Mr. Government, we want yet a closer corner on money; we want yet a closer corner upon the wealth of this land. We ask that you retire the greenbacks of the country, that they may no longer be a circulating medium among this crowd that works the fields of human endeavor." In my imagination I can hear the voice of Congress when it said: "No; this shall not be done. Greenbacks—it is the money of the plain common people of the land; it is the money of the laborer and wage-earner; it is the money of this crowd that work the fields of human endeavor; it shall not be retired; it shall be left to them as their money." But the crowd working the field of legislation, still persistent, procured an act passed by Congress in January, 1875, withdrawing the money of the people from circulation. While it is insisted that three hundred millions of this money is in circulation today, yet, sir, I appeal to the American people, I appeal to the workmen in the fields of human endeavor, to say to me whether or not this is true.

Ah, Mr. President, it would seem that this crowd, working the field of legislation, having acquired so many benefits, so many advantages, might at this point stay their hand and the further withering, blighting influence of their ill-gotten gains, but not so. I shall not, Mr. President, attempt from memory to give these events in chronological order, but they again return to the Government and say: "Mr. Government, give us another benefit, give us another blessing, give us another advantage not enjoyed by the crowd working the fields of human endeavor. We ask that silver be struck down; we ask that silver be demonetized; we ask that gold be made the money of final redemption, and that silver be made redeemable in gold." No one was found bold enough, Mr. President, to attempt this great atrocity; no one was found bold enough to place upon record a measure that would bring about this diabolical and dastardly crime, bearing his name, or assume its authorship; but, like a thief in the night, with cat-like tread, the measure was slipped through the Congress of the United States under a false pretext, under a false guise, striking down the money of the laborer, striking down the money of the wage-earner, striking down the money of the crowd that works the field of human endeavor, striking down the money of the Constitu-

tion, giving to the crowd that work the field of legislation yet a closer grasp, yet a tighter corner on the great volume of the money of the land, a closer corner on the blood of commerce. Ah, Mr. President, with these advantages, with these benefits not enjoyed by their brethren in the field of human endeavor, is it a matter of astonishment, is it a matter of wonder that today 51 men own 35 per cent of the entire wealth of this Nation, and 4,051 men own 87½ per cent, and the average American citizen, the average man among the remaining 89,000,000 people, owns less than \$500 in property valuation?

Ah, Mr. President, when will this crowd of cormorants, this crowd of avaricious thieves and gamblers reach out their long, bony fingers to grasp the remaining 12½ per cent of the wealth of this Nation? Just when they feel so secure in their position that they think the American people will stand it. Ah, Mr. President, it would seem that this should have satisfied this crowd working the field of legislation; but not so. They again return to the Government and, having grown strong and bold, on July 24, 1897, they demand of the Government that they be permitted to tax every article consumed by the crowd working the field of human endeavor. In my imagination I can hear the Government say that already this crowd is laden with burdens grievous to be borne, and if further burdens are placed upon them it must be so disguised that they will not understand it, that they will not appreciate it. This crowd of despilers working the field of legislation reply: Let us so sugarcoat it, so capsule it as that they will not understand it. We will place a tax ostensibly only upon foreign-made articles brought into this country for consumption. Certainly no objection can be raised to this, and we will do this under the guise and specious pretext that it is for the purpose of protecting American labor employed in the factories of the East and North. The Dingley bill was passed; a tax was laid upon the consumers of the land, upon the toilers, upon the shoulders of the men who are the foundation and support of the Government itself.

Mr. President, I pause for the purpose of saying that if the tax of the people of this Government, paid not for the purpose of revenue, but to enrich the coffers of this crowd that work the field of legislation, were paid directly, like our State and county taxes are paid, to the sheriffs, the American people would not stand it for twenty-four hours. There would be such a revolution in this country as would shake it from center to circumference; but under this pretext that this burden was

laid for the purpose of helping the American laborer and to support the Government, the crowd that works the field of human endeavor, long-suffering and patient, have thus far borne this burden. How does this tax, Mr. President, make the rich richer and the poor poorer? Is it a tax only upon imported articles? I say "No," most positively, "No." The American manufacturer is permitted, under this form of legislation, to charge for an American product a price just a little lower than the foreign article with the tax added, and thereby reap not only a wholesome profit, but the benefit of the tax as well; and if this did, in fact, help the laborers of the East and North, it might, in a sense, be justified, because God commands that we bear one another's burdens; but, sir, I deny that it benefits the laborer. In 1907 the farmers of the South and West were fairly prosperous, the god of the harvest had blessed them with bountiful crops, their barns were full, their stores laid in for the winter, the little country merchant had bought his goods for the coming season, his credit was fairly good, the local banks throughout the South and West were reasonably prosperous, and their money was scattered from the home bank to the great money centers of New York to cover their bills of exchange. Everything was moving along in its usual normal condition, but the South and West awoke one morning in the fall of 1907 to find itself in the cold, merciless grasp of one of the most terrible panics that had ever occurred in this country.

This panic, Mr. President, was organized on less than 5 acres of ground in New York, where these two gigantic gambling institutions ply their wicked vocations. If I am told that this tax laid upon the crowd that works the field of human endeavor is for the benefit of the laboring man of the North and East, I ask you to go with me to the great cities and there inspect the great army of the unemployed as it marches with sober, glum, threatening mien in full review; go with me to New York, if you please, stand with me on the Brooklyn Bridge at the close of the day and see the great throng of humanity as it surges across that great thoroughfare; see the little children that ought to be in school or around their mother's knee coming grimy and dirty from the sweatshop; see the poor mother with babe in her arms, who has been trudging the streets all day begging for bread, going to her hovel of squalid poverty and want; see the laboring men out of employment, with desperation written upon their faces, returning empty-handed to their helpless, dependent families;

go to the homes of the poor, go to the homes of the unemployed, go to this great army that is marching up and down the land today begging not for bread, not for a hand-out at your back door, but an opportunity to work, for an opportunity to earn their bread as God commanded, in the sweat of their face; for an opportunity to run the race of life freely, unshackled, and unhindered; and tell me, if you will, that this tax has brought blessings to the laboring man of the North and the East.

Ah, Mr. President, this oligarchy of wealth, builded by legislation, and legislation alone, has reduced to almost serfdom the laborers of this section of our country. They have reached that point in the history of the laboring world that they can say to this man, "Go, and he goeth; and to another, Come, and he cometh." They dare not resist their master's will; and not satisfied with their power there, they are yet conspiring to subjugate the laborers of the South and the West, and to bring them under the yoke of their bondage by means of advantages gained in working the field of legislation. Ah, Mr. President, this is a dark picture. I know not what the result may be. For the past twelve months the country has been regaled with an exhaustive and learned argument as to whether or not the President of the United States had the right to discharge a lot of kinky-headed niggers from the army, who, in a drunken riot, shot up a helpless and defenseless people. And more recently we have been urged to increase the salary of all our public officials, that they might more closely imitate royalty.

We stand today face to face with a deficit in our public treasury of \$150,000,000. Our Government is bankrupt, yet we are appropriating the money of the people at the rate of perhaps a million dollars an hour. The majority in Congress seem to be drunk on the wine of success. They fiddle and dance and make merry while Rome burns. I say to you, Mr. President, that it is time we were calling a halt, and that the Congress of the United States legislate for a little while in the interest of "Old Man People." He is a good old man, bowed and bent with years; venerable, with long, flowing beard. You have each met him. Simple and confiding, trustful and hopeful, he looks to this Congress for some relief, and I ask the Senators here to lend an attentive ear to his demands before it is everlastingly too late.

Mr. President, to what extremes will this oligarchy of wealth go in their desperation and madness? It can be best

illustrated by a brief study of ancient history. One of the greatest reformers that lived in ancient times was Julius Caesar. He loved the poor people of Rome, and when he returned from the wars of foreign conquests, laden with rich treasure, he found great throngs of poor people in the streets of Rome feeding from the public coffers. Did he use this treasure, Mr. President, in riotous living, in great feasts and entertainments? No; he commanded that the rich land along the Tiber be bought with public funds, divided into small tracts and given to the people that they might earn their bread in the sweat of their face. Caesar found that a conspiracy against the poor had been formed by Brutus, Cassius, and Casca, and the Roman nobility. He found that they were lending money at the ruinous interest of 49 per cent; he found that the rich were hoarding their wealth and that money, the blood of commerce, was not circulating freely among the people. Caesar's will was law, and he said to this crowd of conspirators by legislation, You shall not charge a greater rate of interest than 12½ per cent for the use of your money, and shall not lend a greater sum than one-half the amount you have invested in property; you shall not hoard more than \$3,000. If you do you shall be subjected to heavy penalties or the law. Would to God we had Caesar in the White House today! This enraged the conspirators, the Roman Senate, and when Caesar, upon that fateful day, walked into their midst believing that he was among his friends, surrounded by the treachery of the money power, twenty-three knife wounds pierced his body, and when he saw the blade of Brutus, his trusted friend, raised high in air, he drew the mantle of his cloak about his face and in his dying breath, exclaimed, "And thou, too, Brutus!" and fell dead at the feet of the statue of Pompey. This, sir, is a brief history of Rome and its great reformer, illustrating the terrible fate that lies in the path of any man who seeks to shake loose from the throat of this Government these parasites of wealth, these stock gamblers, these stock jobbers that attempt to control the destinies of the Government.

Ah, Mr. President, the money power may be pressing the American people too far. In some evil hour, in some unguarded moment, a match may be touched to the fuse that connects with the hidden mine of discontent and dismay that is planted beneath this Republic, and I shudder for the consequences.

I read a little story in a New York paper recently, illustrating aptly, I think, the recklessness and wanton disregard of the people's rights by the money power of the Government. It is said that a beautiful Italian girl with considerable property married one of her countrymen, believing that he was all that her young heart had pictured him to be. Soon she discovered that he was addicted to that terrible vice, the liquor habit. Their home soon became a drunkard's home, her property was squandered, poverty in all of its hideous forms knocked at their door, until finally she was compelled to go out and earn a living for her drunken husband. She was finally brought into court and tried, and to the judge she said:

Judge, he finally suggested that I sell myself for his support; he pressed me too far, Judge, and I killed him.

Ah, Mr. President, the money power of this Government is treading upon dangerous ground. They do not know, or else they do not care, that the people are already ground down with taxation and the weight of Government until their backs are almost broken beneath its load. They do not seem to appreciate the fact that in his power and strength "Old Man People" may rise and smite them. I would not be an alarmist, sir, but I predict here and now that unless conditions change, that unless the Congress of the United States turn a listening ear to the lamentations of an outraged public, that within ten years there may be another Shenendoah Valley, there may be another Gettysburg; the red broom of war may sweep this Government as it has never been swept before, and when that day shall break in all its fury, woe to the crowd working the field of legislation that have laid these grievous burdens upon the backs of the crowd working the field of human endeavor.

Mr. President, we of the South make but a simple request: we ask only the passage of a law that will protect the products of our soil; we ask a law that will stay the ruthless hand of the gambler, and give to the men and women of the South a just return for their labor and toil.

And to this end, sir, I submit the bill under consideration, and ask that it be referred to the Committee on Agriculture and Forestry.

## CHAPTER XI

### ARKANSAS GAZETTE'S REVIEW OF JEFF DAVIS'S CAREER.

August 1, 1906, the Arkansas Gazette published an editorial review of Jeff Davis's career and political characteristics, covering more than a page, the longest editorial ever published in an Arkansas newspaper. It was at a time when Jeff Davis was at the zenith of his career as a political leader. The Gazette was not, nor has it ever been, a supporter of Senator Davis, but the editor, J. N. Heiskell, who, by a strange combination of circumstances, was destined to become his immediate successor in the United States Senate seven years later, handled his subject with an analytic power and fairness that attracted widespread attention. He dealt neither in fulsome eulogy nor bitter denunciation, but set out boldly and with psychological exactness the peculiarities of the man, and the author's opinion of the secret of his popular appeal. As such the document becomes historic and worthy of preservation in permanent form. Therefore, it has been deemed desirable to reproduce it here in full. It will be read with interest, whether the reader accepts the writer's conclusions or not:

#### JEFF DAVIS.

We set our hand to a task, a task created by the exigency of the hour, by the culmination of political events in Arkansas during the past half decade—to explain the remarkable career of a remarkable man, Jeff Davis.

He is indeed a political prodigy. After being Attorney General for one term he won the governorship three times and now leads in the race for the senatorship. The mere naming of his victories does not half tell the story; he has won his battles against odds and under circumstances that would have, we verily believe, sent down to overwhelming defeat any other man in the whole State of Arkansas.

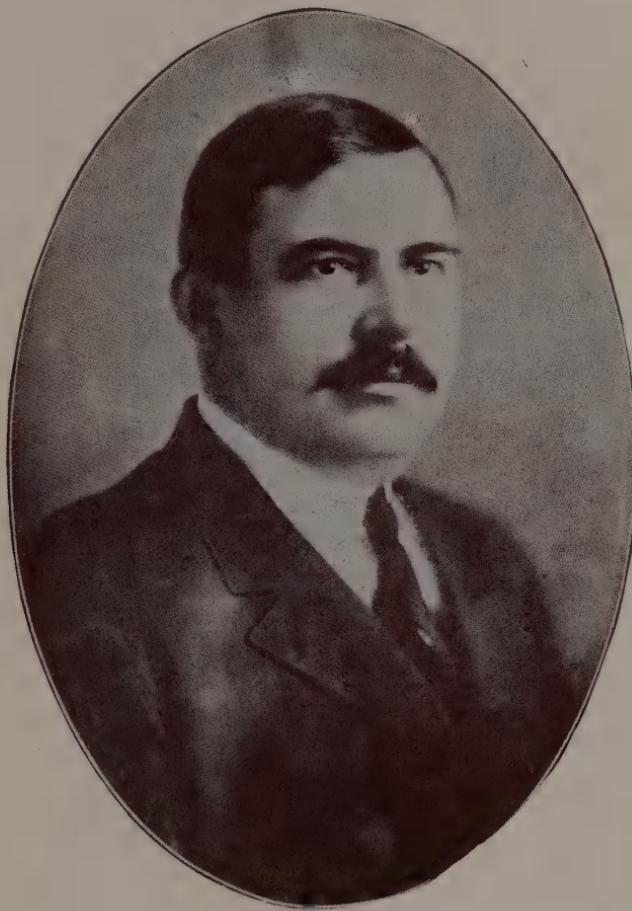
Whence is his strength and what are the factors of his power?

We answer:

He is thoroughly democratic in speech, manner and action, and is surcharged with personal magnetism.

He makes the people think he is persecuted for their sake and stands between them and oppression.

He appeals to the human element.



**JUDGE W. M. KAVANAUGH.**

Ex-Sheriff and Ex-County Judge of Pulaski County, Democratic  
National Committeeman, and United States Senator  
for the Short Term, 1913.



He cunningly paints things to his liking and ingeniously and unscrupulously turns them to his advantage.

He continually does violence to the moral maxim that the suppression of truth is the suggestion of falsehood.

He audaciously and impudently relies on the public's lack of information about incidents in issue.

He appropriates credit for about everything creditable.

He has a powerful machine.

He has not met his match.

## II.

### HIS INFINITE DEMOCRACY.

Jeff Davis is genuinely and sincerely democratic. He is *hail-fellow, well met*, with all. His book of etiquette is his heart, and his rules of form and manners are nothing more than the promptings of his human nature. Any Governor might give an apparent welcome to the poorest and humblest man or woman that came into his office, but few besides Governor Davis could make the poor and humble feel the genuineness and sincerity of that welcome, make them feel that he was one of them and that his pleasure at seeing them was real. And anybody is welcome to call him Jeff, although he is the Chief Executive of an important State.

An American lawyer who had been elected to a little judgeship had to "double up" at an inn with a plain Irishman who drove the conveyance in which the judge traveled around his circuit. "Pat," said the jurist, "you would have been a mighty old man before you would ever have slept with a judge in Ireland, wouldn't you?" "Yes, Your Honor," answered Pat, "and you would have been a mighty old man before you would ever have been a judge in Ireland."

Among the masses of the people Jeff Davis has a word for everybody. He makes himself one with any and all. His genius for hitting off homely but happy phrases effectually breaks the ice between him and those with whom he would become acquainted. It is *slap-him-on-the-back—Hello, Bill!* How's your family? always with Jeff Davis. He is indeed a "mixer." He is the most miscible element in Arkansas politics.

He labors to divide the people against themselves in order that he may become the champion of the bigger class, those whom he invidiously calls "the common people." He makes honest people out in the State think that at Little Rock there

is an aristocracy of purse-proud plutocrats who menace the interests of the plebeians, and that all may be lost unless their tribune of the people is kept in power, so that he can effectually oppose the sinister machinations of the patricians. To an audience of workingmen he ridicules that harmless institution called "society"—that is, the folks who wear formal dress and play bridge whist. Then he tells the workingmen that he is one of them, and that if he ever "gives a party" they are the people he wants for his guests. It is an easy game. Envy inheres in the human breast. In the Reign of Terror the cry was continually, "Down with the hated aristocrats." Doubtless some aristocrats were guillotined as a protest against the principle of the lordship of one man over another in the State, but doubtless many lost their heads simply because they were aristocrats, simply because their better position in life had earned for them the envy of the masses.

The inequalities of social and economic conditions in this world continually yearn for a voice to cry protest to the seats of power. Hearst came within an ace of being elected mayor of New York because so many people believed they were not getting a square deal, that something was wrong when one man had a hundred millions and a palace on Fifth avenue and a thousand others had to struggle to keep soul and body together in a miserable tenement. In Arkansas Jeff Davis is more than a man; he is a sentiment, a belief, a conviction, a credo; he is a phychological fetich. A certain proprietary article is made by a dozen different manufacturers. But that made by one of them is so well known and its special name stands for so many virtues that it is said a million dollars has been offered simply for the name. "Jeff" is worth much in Arkansas, for that one word, "Jeff," means so much to so many people. It stands for something just as the name of the proprietary article referred to stands for something.

The aristocratic political dynasty typified by such men as Matthew Butler and Wade Hampton was overthrown in South Carolina when Ben Tillman went from his farm and marshaled the masses against them. A Tennessee congressman had for an opponent a rich merchant living in the largest city in the district. He would go into the mountains and tell the honest but gullible people that his rich opponent had mirrors in his house as big as their cabins; that when the rich candidate was invited to eat at their tables he merely pretended to partake of their plain victuals, and when he had left their homes he pulled ice cream and cake out of the back of his

buggy and feasted on them. The cities voted for the rich merchant, but the country voted for the other fellow, and the latter won.

The novelist of the masses gets sympathetic readers by the million with a tale of a poor working girl who married a millionaire. We see the same thing on the stage. Jeff Davis has won to himself thousands and thousands of honest men who see a difference in their station in life and the station of others. They rejoice to look upon him as one of them, and they feel themselves honored in his being honored. They see in him their champion. He in turn cultivates their friendship and patronizes them. We have been told that in his peregrinations over the State he will see some man of the "common people" standing not far off and privately learn what that man's name is. And then he will call that man by name and speak in the most familiar terms to him. Naturally the man is pleased and flattered when the Governor of the State thus fraternizes with him. More of historical atavism. Napoleon Bonaparte, who was somewhat of a demagogue in a transcendent way, used to learn from the captain of a company the name of some deserving private and ascertain what four he was in and what was his number in that four. Say the soldier's name was Pierre Blanc. Napoleon would walk down the line secretly counting as he passed the men and when he reached the right number would suddenly stop with an assumed expression of the greatest surprise. "What!" he would exclaim; "Pierre Blanc hasn't the cross?" And forthwith the thunder-bearing emperor of the French would produce a cross of the Legion of Honor and with his own hands pin that distinguished emblem upon the proud breast of this private soldier. Probably one cross thus bestowed was enough for a whole company or a whole regiment; the other privates heard about it. And when Napoleon was fleeing from the fatal field of Waterloo, beaten and forever vanquished, his career ended and his sun gone down, here and there a private soldier, wounded unto death, would raise himself from the bloody ground and with the last breath in his body, cry "*Vive l'empereur!*"

### III.

#### HIS PSEUDO-MARTYRDOM.

If you can make people think, as Jeff Davis does, that you stand between them and oppression and that you are persecuted for their sake, you have a case before the popular tri-

bunal—you have an issue on which to ask a verdict from the popular jury. You have a reasonable excuse for asking the people to give you the office you are seeking. In a former campaign he told his audiences that at Glenwood park a business men's meeting hissed, hooted and howled him down when he tried to make a speech "in the interest of the plain people of the State." In discussing the legislative hearing on the anti-trust bill he said (in his campaign against Judge Wood), that the committee had sent for witnesses.

"Whom did they send for, my fellow citizens?" he asked. "Did they send for the farmer; did they send for the laborer; did they send for the manufacturer; did they send for the mechanic; did they send for the merchant; did they send for the class of citizens who bare their breasts and their arms and their backs to the heat and burdens of the day? No, they sent for the insurance agents from Pine Bluff, from Helena, and from Fort Smith. They sent for a high-collared crowd—that crowd that wear collars so high they can't see the sun except at high noon, looking over the tops of their collars. They sent for that crowd that, when they shake hands with you, they only give you the tip of two fingers; that crowd that you can't tell from their tracks whether they are going north or coming back."

"Why do you support Jeff Davis?" And many an honest man will answer, "Because I believe he is being persecuted." Human nature is so sympathetic that it readily and willingly makes some mortal's imagined grievance its own. Take the famous case of the "Tichborne Claimant" as showing this interesting and praiseworthy trait of humanity.

Sir Roger Tichborne sailed from England for Australia while a young man, and his vessel was lost at sea, with all hands. Twenty-five years later a man appeared who claimed to be Sir Roger, and so entitled to the estate, which yielded an income of \$140,000 a year. His claim was contested and he required enormous amounts of money to pay big lawyers' fees, bring witnesses from the other side of the world and support himself in becoming style. Thousands of persons sent him money, not as an investment, but simply because they believed he was about to be defrauded out of his rights. "The Claimant" became a public character, and a considerable part of the public supported him, both morally and financially. Finally the fellow's own brother swore that the alleged Sir Roger Tichborne was Arthur Orton, a butcher of Walla Walla, Australia, who had emigrated from London. Then

the claimant was prosecuted for perjury. But did the public desert this arrant fraud? No. Many believed the brother was guilty of perjury in swearing that he was the claimant's brother and confidently held that he had been paid by the other side to swear falsely. And so they continued to contribute to his defense fund up to the time he was sentenced to 14 years' imprisonment.

Why did thousands of people that had never seen and probably never heard of the Tichbornes give their sympathy and their money to this fellow? Because they believed that wealth and power had conspired against him to keep him out of his title and his property. All a man needs to do to get the support of the public is to make that public think he is being unfairly treated, that he is being persecuted, that he is a martyr.

#### IV.

##### A MASTER OF HUMANICS.

Jeff Davis constantly and skilfully appeals to the human element. His speeches are devoid of either dry ashes or frigid icicles, and are full of heart interest. He smartly realizes that you must be human to the human if you would reach and move the human. Hearts throb only in sympathy with other hearts, and tears start quickest at the sight of their own kind. Newspapers—some of the biggest in the country—tell their reporters and correspondents to get stories with “heart interest” in them. For are not the papers to be sold to people that have hearts? A report of a speech delivered in the United States Senate by the most distinguished lawyer in that body on the constitutional aspects of some pending treaty is a very important matter, and a newspaper would commonly give it the space its importance deserves. Yes, such a speech would be very important, but, really, who would read it? Then let a newspaper publish a story of heart interest—about a girl who falls in love with a condemned murderer, who conceives and executes a daring plot to effect his escape, who flies with him and receives in her own heart the bullet that the pursuing officers intended for her lover—who fails to read it?

Why do people that go to libraries leave dusty on the shelves the works of the master minds of all ages while they devour the cheap and tawdry tales of the loves of man and womankind? The play that fills the theater is the one that moves the emotions of the audience. These shrewd actor

people show us a maiden that has seen better days and is prevented from seeing them again only by the monstrous machinations of a paid and perfidious villain. The audience sorrows and grieves for the oppressed and unfortunate leading lady, only to wipe away its tears and rejoice when she triumphs over every temptation and difficulty and wins the goal of perfect love and happiness just before time for the company to take the train for Pine Bluff.

Jeff Davis makes his speeches throb like a human heart. In his campaign against Colonel Rector he told of visiting one of the State convict camps. "The first sight that greeted my eyes," he said, "was a great, big, black negro with a pump gun guarding the white men and driving them down the row and saying: 'Hoe that cotton, damn you, or I will kill you.' " Now what could more effectively rouse Southern white people than such a picture as that? Here he anticipated "The Clansman" several years.

"I have always loved the people in the mountains," he said in his Eureka Springs speech (in the Wood campaign). Since I was a small boy and read the tale of the Scottish Chiefs I have always loved the hardy Highlander. When I was prosecuting attorney of my district and rode over the hills and valleys of my home county, often at night I have seen far up on the mountain side a tiny light; I have heard the bleating of a goat or the tinkle of a cowbell or the baying of the friendly watchdog. I have gone to that home, humble though it was, and there received the most generous hospitality the world can afford—and I love the people of the hills," etc.

Judge Wood delivered a dissenting opinion in the anti-trust suits brought by Jeff Davis as Attorney General. Governor Davis attacked Judge Wood for this, but he did not talk in terms of lawyers and courts. "When I was prosecuting attorney of my district," he said, "I never failed to procure a conviction of a defendant when I could show that he fired a shot into the prostrate and inanimate body of the deceased after he had fallen to the ground, and I tell you here today that Judge Wood, not satisfied with the decision of the other four judges in this case, rendered an independent decision, ran ahead of the hounds and fired a shot into the dead and helpless corpse of the anti-trust law of 1899; and the good people of his State will convict him at the ballot box for this outrage."

He referred to the alleged Little Rock ice combination as "a trust on thirst and fever, a trust on the sickroom."

Called to account for pardoning some convict richly deserving of punishment—some convict whose release may have been secured through a “pardon attorney,” Jeff Davis can paint a picture of youthful innocence or white-haired old age kept from a dying mother or suffering family by the dark walls of the Arkansas penitentiary. His audience begins to cry and in its tears the charge against the Governor is washed away.

“My fellow-citizens,” he said in one of his speeches, “you do not know what it is to be Governor of Arkansas; you do not know what it is to hold the power of life and death in your hands, to hold the power of punishment and forgiveness. On the one hand you are besieged by the white-winged angels of mercy, on the other hand by the stern demand of law. Do not criticise, my fellow citizens, an executive for exercising mercy. I have a little boy at home eight years old, God bless his little soul! If he should get into trouble in after years and get into the penitentiary, I would kiss the very feet of the Governor who would give him a pardon. I would wash his feet with my tears. If it were your son or your brother or father, I could not write the pardon quick enough; I could not sign my name quick enough. Judge Wood said the other day in one of his speeches that any old woman could get a pardon at my office who came there crying. I want to say to you, my fellow citizens, that I thank God that my heart has not become so stilled, so cold and callous that the tears of the mothers in Israel will not move me to pity, and when I get this way I want God to take me not only out of the Governor’s office, but off this old earth of ours. God bless you old mothers in Israel; God bless their prayers and their tears; and mothers, when you offer up your devotion tonight, if you can spare one moment, lisp a prayer for the pardoning Governor of Arkansas. If you don’t want your boys pardoned, don’t come crying around my office, because I can not stand it, and do not try to stand it.”

The pardoning Governor did not mention the blind tiger proprietors for whom the white-winged angels of mercy have done such yeoman work in getting relief from the penalties in hundreds of convictions. And the Governor’s hearers were too polite or too suffused with tears in their eyes to inject an interpolation concerning this class of cases.

In the Wood campaign Governor Davis played unceasingly upon the emotions if not the passions of his hearers by the use he made of the Esther Waren lawsuit, in which a child

two and one-half years old had had both hands cut off by a freight train. It was a pitiful case, and the jury in the lower court gave the child a verdict for \$40,000, but the Supreme Court, by a vote of three to two, reversed the case and sent it back for a new trial. Governor Davis's opponent for the Democratic nomination for Governor was a justice of the Supreme Court that reversed this case. He made powerful and effective use of it.

After exaggerating the sufferings of this child, which were surely terrible enough without exaggeration, Governor Davis charged that the case was "delayed" in the Supreme Court for two years until it was thought the child would die. "For more than two years the case lay there," he said. "The Supreme Court finally reversed the case and sent it back for a new trial, saying that \$40,000, in their judgment, was too much for this injury, and in delivering the opinion of the court, Judge Wood and this bench said: "This little child, had he lived, could not be supposed to have amounted to more than the ordinary man." Ah, my friends, this is a supposition in favor of the railroad company. Was the goddess of justice blind then, or did she have one eye open seeing that the railroad company was involved against the little child? Why should the court presume anything about the case? Why not let the verdict of the jury that saw the child and knew all the facts stand? But if they were going to indulge in presumption, why not presume that this little child would have been president of a railroad company, president of a bank, even a judge of the Supreme Court, or perhaps President of the United States? Judge Wood, when you indulged in this presumption against the little child the goddess of justice was not blind; and when the attorneys knew that you had reversed the case on account of too much damage they went to you and begged you to remit so much of the damages as you thought were excessive. You refused to do this, but reversed the case and sent it back for a new trial. The child died and the railroad went scot free. \* \* \* Ah, Judge Wood, we are told by the ministers and by Holy Writ that when we go to that blessed land where there is no sorrow, and no sin, and no death, that we will know each other then as we know each other on earth; that you, Judge Wood, will know your father there, and that I will know my four little babies that have gone on ahead. Oh, Judge Wood, I pray the good Lord that when you get to that better land, that little Esther Waren will have been supplied with his hands and feet, and that you will

not hear him screaming, 'Where are my hands, mamma? Where are my hands?' Judge Wood, this case ought to burn your conscience and soul at night; it ought to haunt you in your sleep; it ought to visit you in your dreams, this little child screaming for his hands."

Governor Davis has viciously attacked Senator Berry for voting against the Hatch bill which proposed to put a tax on dealing in futures. Senator Berry believed this bill to be unconstitutional and favored the George bill, which prohibited absolutely dealing in futures. But what we want to call attention to here is Governor Davis's skill in vitalizing—in humanizing—this matter. After describing the Cotton Exchange at New York, where he saw them "change the price of cotton the world over \$5 a bale," he said:

As I came up White River the other day, along that stream more beautiful than the Hudson, out of the car window I saw little children, girls and boys, thinly clad on a cold, frosty morning, children just as dear to their parents as yours or mine are to us, picking the cotton, pulling it from the bolls, their little hands almost frozen. When I saw this sight, my fellow-citizens, my mind turned back to that other scene in New York City, where the gamblers of Wall Street sat around the gambling table gambling, not only in the products of the soil of the South, but gambling in the flesh and blood and bone of the children of the South, and my heart cried aloud: "My God! Is there no help in Israel? Is there no help for the children of the South?"

## V.

### A MAGICIAN IN WORD EFFECTS.

Jeff Davis is a genius at painting things to his liking and turning them to his advantage. In this he is both unscrupulous and ingenious. He can make white appear black and black white. He is a magician, a veritable prestidigitator. It is *Presto!* Change, and something that was hurtful to Jeff Davis has become something helpful to him.

As everybody knows, Governor Davis was excluded from fellowship in the Second Baptist Church of Little Rock on charges. It would seem that such an experience as that would be a terrible handicap to a candidate for Governor, especially in a State where there are thousands of Baptists. Not so with this magician. He made it a thing of advantage to him.

"My fellow citizens," he would say, "I was excluded from the Second Baptist Church in Little Rock. A lot of high-combed roosters down there, Judge Wood among the members, turned me out of the church for political purposes without a trial, without a hearing, thinking that they could ruin me in that way; but when the little church at Russellville, where I was raised, heard of this indignity, this outrage, they

sent for me to come home and join the church of which I had been a member for twenty years, and more than a hundred members were present when I was restored."

Judge Wood showed that the attention of the Little Rock church was first called to Governor Davis by "a little country church at Mammoth Spring," in which, presumably, there were no "high-combed roosters;" that the charges were preferred during one of Governor Davis's campaigns, but the Little Rock church refused to take action before the primaries had been held because it wanted to avoid every suspicion of preferring charges against the Governor for political purposes; that a committee delivered the charges to Governor Davis and took his written receipt for them, also notifying him of the date of the trial, but when the time came, Judge Wood said, Governor Davis was in Chicot County on a fishing expedition. Judge Wood had testimony saying that the total number of persons present when Governor Davis was reinstated in the Russellville Baptist church was twelve, and several of these were his relatives.

But, no. A man who had been turned out of a Little Rock church for political purposes by a lot of high-combed roosters was a martyr, was entitled to the sympathy and votes of the people—and got a large quantity of each.

In 1904 he was running against a Supreme Court judge for the nomination for Governor. Obviously by one of the very first of his rules of war, the thing to do was to attack the court in an effort to create feeling against this one of its members who was opposing him. How did he do it? This way, for instance:

A poor farmer lost some personal property by the burning of a railroad freight depot. He sued for damages and lost his case in the Supreme Court. Governor Davis would tell these facts to his audience and then ask, "Ah, my fellow-citizens, doesn't that look a little railroady to you?" Of course, it is easily conceivable that justice and law may have been wholly on the side of the railroad in this case. But what would be the use of any one trying to explain to a political gathering some fine point of law? The farmer was poor, he lost his goods, and the Supreme Court decided in favor of the railroad. Therefore, according to Davis logic, the court is a railroad court—or at least it is "a little railroady," and no justice of that court is a friend of the people.

How did he turn to good account his attempted impeachment in the Legislature of 1903 and make himself appear a

suffering martyr? "Gentlemen," he told his audiences in the Wood campaign, "during this anti-trust fight the Legislature began a warfare on me that was cruel and unjust. I can imagine that I was in their caucus, that I was in their council, that I heard their plans. They said, we must do something with Jeff Davis or he will pass this anti-trust law; we must tie his hands, we must do something; the case is desperate. Then they said, we will impeach him. My fellow-citizens, you know what impeachment means? If any of you should be sent to the penitentiary it would take away your citizenship, your right to vote, to sit on a jury or to hold office, but the Governor of this State, by his pardoning power, could restore your citizenship; but if the Legislature should impeach your Governor, no power on earth could restore his citizenship; he would be sent out in the world a disgraced and undone man. You know that the State of Arkansas has been in the Union since 1836. We have had all kinds of Governors, and no one, not even old Powell Clayton, that hell-hound and demon that ran rough-shod and rampant over the rights of the people of this State—no attempt was ever made to impeach him—no one but me. Ah, my good women, did you ever read that sweet book, the "Scarlet Letter?" Do you remember how that good woman was compelled to go through life with that scarlet letter of infamy and shame branded upon her breast? This Arkansas Legislature said, we will brand the scarlet letter of infamy and shame, not only upon his breast, but upon the breast of his aged father and mother, upon the breast of his wife and babies; we will disgrace him, we will ruin him, we will impeach him."

Notice how cunningly Governor Davis gave his hearers the impression that the attempt to impeach him was an effort to prevent the anti-trust bill from passing. Notice that he says the Legislature began the "cruel and unjust warfare" on him "during this anti-trust fight;" that the legislators said, "We must do something with Jeff Davis or he will pass this anti-trust law; we must tie his hands. \* \* \* Then they said, we will impeach him."

Of course the facts are, that this "warfare" on Governor Davis was an investigation by the Ways and Means Committee of the House, and was brought on by charges made by Governor Davis, in his message to the Legislature, concerning the purchase of the Cummins place for a convict farm. The "warfare" resulted from the warfare he made in his

message on other members of the penitentiary board, and had no earthly connection with the anti-trust bill.

## VI.

### TRUSTS IN THE PUBLIC'S LACK OF INFORMATION.

Jeff Davis audaciously and impudently relies on public ignorance—not on public illiteracy, but on the public's lack of information. Strange indeed that this could be a safe thing to rely on, but it is, seemingly. He tells one side of a matter and counts on the public not knowing the other side. And the public seldom fails him.

In the Wood campaign Governor Davis perforce had to deal with his attempted impeachment in the Legislature of 1903. After summing up for himself, he would say:

This testimony was submitted back to the Legislature; should they not have found some verdict? Should they not either have acquitted or convicted me? They refused to do either; they said in substance and in effect: "We will muddy him up; we will blacken his character; we will ruin his family; we will destroy his good name if we can; we'll neither acquit nor convict him, but we will refer it back to the people for their judgment and determination."

But Governor Davis did not tell that the plurality report of the Ways and Means Committee, though it said the committee had no power to make "comments or suggestions," was a condemnation of him; that it got 43 ayes to 44 noes in the house and that a change of one vote would have adopted this report.

Is it safe to rely on the public's lack of information? In his recent race Governor Davis pleaded for the support of ex-Confederates by bringing up his father's war record. "He was a Baptist minister when the war broke out," said Governor Davis from every stump, "but he laid down his Bible and picked up his rifle, and if history speaks the truth, he bore it as gallantly and as bravely as any soldier in this great conflict." Ex-Confederates who should know say his father was conscripted in 1864, served a few days as a private and then got a chaplain's commission.

## VII.

### TELLING HALF THE TRUTH.

Jeff Davis seems to be utterly oblivious to the moral maxim, "*Suppressio veri; suggestio falsi.*" Of course, everybody knows that a false impression may be conveyed by suppressing a part of the truth about a matter. Harry, angered

at Jimmie, says to their mother in Jimmie's absence, "Jimmie took a pie out of the pantry today." Mother vows punishment for Jimmie and gives a pie to Harry as a reward of virtue. On returning, Jimmie explains that his grandmother, who had the disposing authority, gave him the pie.

Governor Davis fiercely attacked Senator Berry on the ground that when Berry was Governor he had allowed the railroads to escape taxation. He said:

What does this act of 1883 say, signed by Senator Berry and executed by him?

"The railroads of this State shall list their property for taxation every two years, but they shall not include or value for taxation embankments, tunnels, cuts, ties, trestles or bridges."

The railroads shall not do what?

They shall not include for taxation embankments, tunnels, cuts, ties, trestles or bridges.

Ah, my friends, cut out this property, and how much railroad have you left? Nothing but the iron rails, the depot buildings and the trains themselves. In other words, by this act of 1883, Senator Berry exempted three-fourths of the railroad property in this State from taxation.

"And if I had been your Governor in 1883, I certainly would have vetoed this act that exempted embankments, tunnels, cuts, ties, trestles and bridges from taxation," said Governor Davis. "Is there any man in this audience that has any property exempted from taxation?"

Now what are the facts, which must be known to Governor Davis perfectly well? Governor Berry recommended that the railroads be taxed. He had nothing to do with the bill exempting tunnels, bridges, etc. The bill did not reach him until after the Legislature had adjourned. If he had vetoed it the railroads would have paid no taxes whatever.

Did Governor Davis tell that? Not a word of it. Notice how cunningly he attempts to make the Legislature's action Governor Berry's action. He said in his speeches in the last campaign:

What does this act of 1883 say, signed by Senator Berry and executed by him?

In other words, by this act of 1883 Senator Berry exempted three-fourths of the railroad property in this State from taxation.

Yet Senator Berry, by the act of 1883, exempted embankments, tunnels, ties, cuts, trestles and bridges, the property of the railroad company, from taxation.

Of course, Senator (Governor) Berry did not exempt this property; the Legislature exempted it. Governor Berry signed the bill, but, as said, if he had vetoed it, the railroads would have paid no taxes whatever. But his vetoing the bill would not necessarily have saved him from attack by Governor Davis, for Davis would doubtless have charged that while the Legislature exempted tunnels, cuts, etc., Governor

Berry "ran ahead of the hounds," and by vetoing the bill after the Legislature adjourned, saved the railroads from paying even those taxes they would have had to pay under the Legislature's act.

Governor Davis attacked Senator Berry on the settlement between Arkansas and the United States. He showed that Senator Berry, in a speech in the Senate, had fiercely denounced the amendment giving to the Iron Mountain the lands that the State claimed, and yet two months later had urged that the Arkansas Legislature ratify the settlement with this amendment in the bill.

"Is this the same man?" asked Governor Davis in his speeches. "Ah, Senator Berry, that monster that looked so hideous to you then became gentle and pleasing in its mien. That wrong that looked so wrong became right. You turned a somersault; you faced right about and you ask the Arkansas Legislature to give away these lands," etc. But Governor Davis did not tell that Senator Berry favored the Legislature ratifying the settlement simply because he thought there was no chance to get the bill through the house without the objectionable amendment.

In attacking Senator Berry for voting against the Hatch anti-option bill, Governor Davis told his hearers to turn to the Congressional Record, "and there you will find the vote on this bill, and the first name that appears of those who voted against this Hatch bill was that of Senator Berry of Arkansas." Governor Davis did not explain that on roll calls the names of the Senators are called alphabetically, and that necessarily a Senator whose name begins with "B" would be among the first to vote for or against any measure. If Senator Berry had voted for the Hatch bill and his name began with "Z" instead of "B," Governor Davis might say, "Yes, my fellow-citizens, he voted for the bill, but the Congressional Record shows that he was the very last Senator to do so."

## VIII.

### TAKES CREDIT FOR ABOUT ALL THAT IS GOOD.

Governor Davis audaciously appropriates to himself credit for about everything creditable. He is the personification of jactant egotism. His is not vanity. He is not conceited. His offense consists in his making pretense that about all that is good in Arkansas, from enlargement of an eleemosynary in-

stitution to the surplus in the treasury, has its legal situs in the ego of which he is the owner and proprietor.

He mentions the \$64,000 of bonds retired by the Funding Board and says "the entire debt of the State during my administration has been wiped out." "This has been one of my highest ambitions," he would say, "that when I leave the Governor's office I shall leave my State absolutely free from indebtedness." He takes credit for the condition of the treasury, for the enlargement of the State Hospital for Nervous Diseases, for the rebuilding of the deaf mute buildings that were destroyed by fire—and he is careful to point out that the fire occurred during Governor Jones's administration. His own is fireproof, presumably. He takes credit for the additional money the taxpayers have paid to the school fund, and for the additional money paid to Confederate veterans as pensions, for the money appropriated by the Legislature for additional buildings at the University of Arkansas. In speaking of the assessment of the railroads for taxation he says "I had steadily increased their valuation until 1903."

## IX.

### HIS POWERFUL MACHINE.

But it is not merely by verbal appeals to the people that Jeff Davis has succeeded. He has built up one of the most powerful and effective political machines that any man in public life in Arkansas has ever had. The great central motor shaft rises out of the executive office in the Capitol at Little Rock. To it are geared wheels that correspond with the counties surrounding Pulaski. These engage other wheels representing other counties and so on until the whole State is covered—until when the master shaft revolves its cogs impart its motion to the wheels in all the other counties.

In organization Governor Davis follows the scheme of the ancient Persian empire or that of China of today. He has a right bower in each county whom he holds responsible for that county just as the Great King had a satrap and the Chinese emperor has a viceroy in each province. These are the big wheels that are geared at last into the great shaft at Little Rock. But this is only the skeleton of the machine. It is built up of offices, employments, honors and pardons.

In his five years' tenure he has appointed numerous men to good offices. He has gratified others with honors. He has pardoned hundreds upon hundreds. He has favored and

accommodated many men and interests. He has drawn to him thousands of men and solidified them into a dependable following. He has been the Jehu of the band wagon, into which so many thousands of men must have a seat even though they chuck their late convictions into the tall grass by the side of the road only the moment they see the dust that indicates the coming of the most popular of *vehicular impedimenta*. The love that all the world bears for a lover is Platonic affection of cold storage temperature compared to the love that the world has for a winner.

You must know that a man is some pumpkins in his bailiwick when he can say, "I'll get the Governor to do so and so," with the certainty of being able to deliver the goods by jumping on the train and paying a visit to Little Rock or by making the long distance electric current the swift Mercury of his desire.

The high sheriff of the county is generally the king bee of the politics of his shire. Probably two-thirds of the sheriffs in Arkansas are component parts of the Governor's machine. They are a great and effective force. It can not be denied that Governor Davis, by the use of the veto pen and the pardon blank, has been a valuable friend to the liquor interests of Arkansas. These interests, accustomed to combination and active participation in politics—being forced at times to engage in a struggle for their very existence, for the right to live—are a powerful political machine in themselves, but their machine has been merely a part of that far greater and more powerful enginery that serves the political fortunes of Jeff Davis.

And the wheels and levers of all this enginery are always moving. Governor Davis sits in his office with the long distance telephone at ear and mouth. He is in constant touch with the subengineers of his great machine—he continually talks to them and advises with them. These subengineers are often in Little Rock, in personal conference with the chief. And then the head of the machine himself visits every county in the State in his campaigns and sees to it that each part of the State-wide engine is in good order and ready for the work appointed to it.

This machine continually grinds out campaign literature. Governor Davis has a mailing list containing the names of many thousands of Arkansas voters. Some charge is made against him, he writes a reply, has thousands of circulars or pamphlets struck off and through the mails they are sowed



GOV. JEFF DAVIS AND OFFICERS ARKANSAS STATE GUARD.  
Front Row, Left to Right: Col. Henry Stroup, Col. W. K. Surridge, Gov. Jeff Davis, Maj.-Gen.  
W. H. Haynes, Chaplain Ben Cox and Brig.-Gen. B. W. Green.



broadcast over the State. During the last five years he must have spent a fortune for printing and postage.

## X.

### HE HAS NOT MET HIS MATCH.

Then no man has appeared in Arkansas politics in the last half decade who was a match for Jeff Davis in the rough-and-tumble style of fighting of which he is the exponent. We believe Attorney General Rogers could have fought Davis to a standstill, for Rogers is a power before an audience and can and will turn just as many tricks as Davis. But Rogers has never run against Davis; they have "sideswiped" each other a few times, that's all. A Webster or Sumner might utterly fail at combating Jeff Davis on the stump. He would eat 'em alive. Rhetoric and logic do not always win. James Chamberlain Jones of Tennessee, whom the older generation will remember as "Lean Jimmie Jones," was a candidate for Governor of that State in 1841 against Governor James K. Polk, afterward President of the United States. But on the stump, Lean Jimmie made fun of James K., laughed at him, cast him in ridiculous attitudes and painted him in motley colors. Polk protested that Jones was making a circus of the campaign—but nearly everybody likes to go to a circus. If a man has quick wit and homely humor, a well-developed sense of the ridiculous and some mimetic ability he could find no better subject on which to do so with his enchantments than Jeff Davis. His heroics might be transformed in an instant into the burlesque, his tearful passages into boohoos and his grandiloquent thrills into laughter-making fustian. Cervantes "laughed" Spain's chivalry away; he did not argue it or denounce it out of existence. We have been told that in one of Jeff Davis's campaigns his opponent arose and fiercely denounced Davis in unmeasured terms for alleged misrepresentations. Did Davis fight, cut, stab or shoot—either bullets or epithets? No. He simply said to the audience that his opponent had been put in the race to kill him; that he knew his opponent would take his life before the race was over. "But," said he about to die, saluting them, "all I ask is that when I am dead, you bury me in the old graveyard and write on my headstone the words: 'He died a martyr to the com-

mon people.' " Did Don Quixote ever perpetrate anything richer than that? And Davis never cracked a smile.

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Some man should write a treatise, "Historical Parallels Between the Careers and Methods of Napoleon Bonaparte and Jeff Davis"—some man who knows as much about the Corsican as about the Arkansan and enough about both. Napoleon Bonaparte kept indefatigably and everlastinglly at it and accomplished, at any price possible for him to pay, his set and determined purpose. So does Jeff Davis.

## CHAPTER XII

### MEMORIAL ADDRESSES DELIVERED IN THE UNITED STATES SENATE ON THE LIFE AND SERVICE OF SENATOR JEFF DAVIS.

(From the Congressional Record, March 1, 1913.)

Mr. CLARKE of Arkansas: Mr. President, I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The PRESIDING OFFICER (Mr. Page in the chair). The resolutions submitted by the Senator from Arkansas will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with deep sorrow of the death of the Hon. Jeff Davis, late a Senator from the State of Arkansas.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

By MR. CLARKE OF ARKANSAS.

Mr. President, Senator Jeff Davis—and he delighted to call himself Jeff, and to have his intimate friends do the same—died suddenly at his home in Little Rock on January 2, 1913. As I said on another occasion, thus ended abruptly and prematurely the career of one of the most extraordinary men who made his appearance in the South in a generation. A simple recital of the events of his life, in sufficient detail to make his methods, his purposes, and his plans understood, would demonstrate this beyond reasonable dispute or cavil, but the proprieties of the present occasion will be satisfied with a less comprehensive treatment of the subject. Perhaps the time has not as yet come when this can be done impartially and fully. While the tongue of criticism and complaint is stilled by the shock caused by his death, and in the presence of his sorrowing family and friends, permanent impressions nevertheless exist which will inevitably find expression, when the sadness and sympathy of the hour shall have been forgotten, by those outside of the crushed and sorrowing circle of his family. This element may demand a hearing before a final and accepted judgment shall be entered against his name and fame.

Senator Davis was born in Little River County, Arkansas, on May 6, 1862. His father was Judge Lewis W. Davis, in early life a Baptist clergyman, and subsequently a practicing lawyer of respectable attainments and high character. His mother still survives, and is noted among those who know her as a woman of strong character, superior intelligence, and noble qualities as a wife, mother, and as a leader in the Christian and charitable work of the communities in which she has resided. While the dead Senator was yet a boy his father moved with his family to the county of Pope, where he resided until the time of his death, which occurred a few years since. There young Davis spent his boyhood until he entered the University of the State of Arkansas, where he remained for a period less than that required to cover the prescribed course for graduation. Shortly after he left the university he was chosen prosecuting attorney of one of the most important districts of the State. He discharged the duties of that office in a way that strikingly directed to him the attention of a section of the State which largely exceeded the boundaries of his district. At that time there was a well-organized and fierce conflict raging between what was then known as the People's Party and the dominant party of the State.

The young prosecuting attorney was frequently taken from his labors in his district and sent to distant parts of the State to maintain the principles and support of the candidates of the Democratic Party. His methods of debate were unique and forceful, and never failed to leave behind him an impression that caused the event to be recalled for a long time after his departure. About the time he was elected prosecuting attorney he was married to Miss Ina McKenzie, herself the daughter of a Methodist minister. It is worth while, in passing, to call attention to the remarkable contribution made to the effective working forces of society by the pioneer Christian preachers of our frontier civilization. The personal hardships of this ministry, and the rugged qualities of steadfastness to a high purpose which caused them to devote themselves to the salvation of a weak and fallen humanity, reproduced their honesty and masterful qualities of fidelity in an offspring that constitute many of the leaders of the race in the communities where they cast their lot. The history of nearly every community in the Southwest will disclose instances which furnish verification for this observation. The case of Senator Davis, and that of his beloved and devoted wife, bear as strong evidence of this as any incident within

my personal observation. Senator Davis was the beneficiary of much good luck and many fortunate contingencies, but in my humble opinion none of them have so profoundly affected his career as the circumstances which directed his course across the pathway of Ina McKenzie and united his destiny with hers. I enjoyed abundant opportunities for knowing personally that she was a woman of a masterful mind, strong convictions, and of gentle and powerful personality. She was the only person I ever knew who could influence Senator Davis against what appeared to be his settled and fixed whims or purposes. With a woman's intuition she knew exactly what he ought to do, and where her judgment conflicted with his, she generally found means to cause her views and wishes to be respected. She was not an unsexed woman who ruled by force of command, but she employed in her conquest womanly qualities only. These she possessed without limit, and by the exertion of them was able to control in such a way as to be in fact the helpmate of her husband, and to become the head of a family of children whose habits, character, and demeanor testify to the fact that while she was familiar with the controversies and methods of affairs outside of the home circle, that above all she was at her best in her home. A few years since she died, leaving behind her a mourning family of splendid children and a distressed host of friends, all only too sensible of the fact that they had lost a devoted mother and an inspired counsellor. A short time before his death, Senator Davis was married to Miss Lelia Carter, a member of one of the oldest and most respected families in western Arkansas. A host of devoted friends have tendered the inadequate and unavailing consolation of sympathy to her in the hour of her great bereavement.

Shortly after the termination of his service as prosecuting attorney Senator Davis became a candidate for Attorney General, one of the most important offices in the State. In those days we did not have what is known as a general or blanket primary election for the selection of party candidates. Each county selected its delegates to the State convention, and the method of selection was determined by each county for itself. These were usually held on different days and by different methods. Some employed a county primary to express the preferences to be supported in the State convention, while some held what is known as township or precinct meetings to select delegates to a county convention, which in turn would express the preference of the county for the particular State

offices. There were several candidates in opposition to Davis, but the principal one was Professor Goar, the head of the Arkansas Law School. In nearly every county where a convention had been held, the instructions had been given in favor of Professor Goar, and his nomination was considered a foregone conclusion.

While addressing a meeting of voters in Madison County he suddenly fell dead, and by this sad and sudden event the political history of Arkansas for the intervening years has been cast on lines that could never before have been dreamed of as a possibility. After the death of Professor Goar, the tide of political favor began to turn to Senator Davis, so that when the convention assembled he had a majority of 1 vote over all of his competitors, and was nominated on the first ballot. It is part of the history of that struggle that when the tide of popular favor seemed to be running so strongly in the direction of Professor Goar, Senator Davis, realizing his probable defeat, had begun to mature his plans to transfer his residence to the State of Oklahoma. But all this was changed by his election as Attorney General. From that time forward began a long career as spectacular and turbulent as that of any man who ever sought public office and political control during a period of peace and in a civilized Commonwealth. Directly upon his entering the Attorney General's office the Legislature passed an act intended to suppress the depredations of the commercial trusts in so far as their conspiracies contemplated impositions upon the people of the State of Arkansas.

A conflict as to the proper interpretation of this act in its application to insurance companies immediately arose, and the new Attorney General construed the statute to mean the absolute exclusion of all such companies from the right to do business in Arkansas if they were associated in any part of the world with any group of companies having a common purpose to control rates. This attitude was sharply antagonized by the friends of the insurance companies, and out of this difference of opinion came a pivotal opportunity which he had the ingenuity to seize and develop into a volume of protests against the monopoly that proved sufficient to land him in the Governor's office two years later. It is no disparagement to Senator Davis to say that two years before these events occurred no one would have ventured the prediction that such a selection was a political possibility. His election to the governorship literally wrecked all the organized political

plans and systems that had grown up in the State for half a century. The resulting demoralization and revolution in the administration of public affairs was no surprise to those who knew the real extent of the wreck and ruin wrought upon the established order thereby. His stay of six years in the Governor's office was from the very first day to the last a period of audacious activity and a constant warfare upon all the old arrangements and political traditions of the State. As Governor he was called upon to make a great many appointments to important public offices. He invariably chose those who might not have expected promotion under the old regime. It is complimentary to the general intelligence and learning of the citizenship of the State that notwithstanding his appointees were chosen from among persons who would not in the regular course be mentioned in connection with the offices they were called upon by him to fill that they invariably "made good" and vindicated in nearly every instance the sound judgment which he exercised when he seemed to depart from the course marked out by the policy of political heredity. Ingratitude is a very human quality, and it is so freely exercised in the ordinary affairs of men that whilst it is always hated it is never regarded as a stranger and rarely excites surprise.

It is complimentary to the sense of appreciation and fidelity of the hosts that he called around him as volunteers serving the purposes of a carefully created, systematically organized, and specially favored "machine" that he was rarely the victim of ingratitude, and those of us who witnessed the 200 or more beneficiaries of his favor as they sorrowfully walked behind the hearse that bore his lifeless body to the grave felt that he had contrived according to a deeper philosophy and a sounder estimate of humanity than many of us suspected when he called around him that body of partisans whom he delighted to call the "Old Guard." The Tenth Legion never established its claim to unswerving fidelity and courage by more unmistakable evidence than did this band of loyal and honored citizens.

Shortly after Senator Davis entered upon the discharge of the duties of the governorship he developed a desire to extend his political career to the Senate, and he accordingly began to lay his plans and to develop issues with this end in view. He invited strife in certain quarters in order to furnish him with an issue that he could successfully attack and thereby inten-

sify the partisanship of his friends and account for the expressed hatred of his enemies.

The essential facts evolved from even a casual study of his methods are that he never permitted any one to become a half-hearted friend nor a concealed enemy. He early realized that half-offended friends might sooner or later find themselves in a position where they could do him more injury by encouraging the warfare of his enemies indirectly than they could as part of the open opposition. Therefore, he never "fell out" halfway with any one. He knew that in politics the relationship between individuals is one for the advancement of mutual interests, and that such friendships too often endure only so long as mutual rewards bind the coalition. It is doubtless true that many real friendships grow out of the business of politics, but the general course is as he understood it. He frequently found, in making his calculations for future political contingencies, that it would better serve his purpose to force a realignment than be burdened with a possible mutiny of some vital part of his combination at a more critical stage of the conflict.

Thus it happened that at different periods of his political career that the same persons were his enemies and friends alternately. When he once accepted a reconciliation with a former enemy he so dealt with him as to convince him that no resentment growing out of past differences remained, and when one of his friends or allies was forced to take up service on the other side he generally ridiculed him, less frequently denounced him, into a state of complete harmlessness. Of course, this process could only last as long as he had physical strength and time to go among his fellows and by his personal presence keep them inspired with the sentiments and hostilities of the hour, and to thus communicate to them the fighting spirit of the occasion that only one with his magnetic qualities when aroused could impart. His chief political asset was his power ■■ a stump speaker. In the exercise of this art he exhibited the qualities of a master to a degree that put him in a class to himself. He was not a widely learned man, nor did he desire to be. He was not willing to devote the time and self-denial involved in acquiring familiarity with the views and methods of those who had gone before. He absorbed enough out of the general intelligence of the country to be fairly familiar with many of the leading questions of the day and could discuss them before an audience with a sufficient show of knowledge to impart all the lessons that they seemed

willing to absorb. He never concerned himself about mastering in full scope and detail great and absorbing questions, since he felt that he could only make use of such aspects of it as his auditors were willing and desirous of understanding, and that he was therefore engaged in a wholly unprofitable service when he talked over the heads of those who listened to him.

He knew humanity as few people know it. He did not deal largely with individuals. In fact, as the methods of practical politics are known and practiced he was not a great mixer. He did not have an accurate memory for names and faces, nor did he seek to make a distinct impression upon particular individuals. He stood fairly well with the whole crowd and said or did something on every occasion that might be recalled in connection with approving comment by nearly every one who heard him. If any disagreed with him they were never in doubt as to the course they would pursue. He was essentially a fighter, and by pursuing tactics that aroused every one else to the fighting mood he found it easy to enumerate his followers and to know his enemies.

Those who were not for him were against him. There was no noncommittal element in the State when he was up for election. Whether he studied to a finality the philosophy which committed him to this policy, I do not know, but he mastered it as supremely as if he had, and practiced it with a precision and uniformity that could not have been excelled, no matter how closely he might have considered it. To an ordinary campaigner this is a dangerous course, and all that was needed to make it a fatal course was sufficient time, because it is as true in politics as in other lines of effort that friends fall away from one's standard more rapidly than his enemies forgive him. Napoleon was never more successful in turning the assaults of an enemy in war than he was in minimizing to nothingness the assaults of his enemies in politics, and mainly by the power of ridicule and denunciation. He never courted sympathy, because it was certain that his enemies would never extend it, and his friends were bound to him by more virile and enduring forces.

Probably much of his success as a popular leader was due to the fact that he came into political prominence at a time when there existed a widespread and deep-seated belief in the public mind that the powers of the Government were being exerted unfairly in favor of the few and against the interests of the many. The unequal distribution of the wealth and

favors of the land were a monumental and simple object lesson that called for an explanation and invited an attempt to apply a remedy. He capitalized this spirit of unrest because he did not seem to understand the situation differently from the people generally. In fact, it was not necessary to understand the underlying philosophy of the cause of it. The fact itself was sufficient to demand a thorough investigation and the application of a remedy, even if fundamentals must be modified in order to prevent a continuance of these conditions. He therefore took as his text the actual inequalities of the situation, the existence of which all seemed to be aware, and from the effects of which nearly every one was easily made to understand he was a victim. Many who heard him did not care so much for the feasibility of any suggested remedy as they did to have voice given to their conscious dissatisfaction. He supplied this, and in full measure, and was thus relieved from working out his political advancement by the slower process of less-gifted aspirants.

I happen to know that he was not satisfied with his career in the Senate. He accounted for that in many ways, and always promised himself that with more favorable conditions he would be able to place his services here upon a higher plane of achievement in the future. When he first appeared in the Senate he was smarting under the resentment of wholesale and unwarranted attacks that had been made upon him, and a sort of retaliation seemed to linger with him and to somewhat direct and control his actions and expressions. Long separation from his professional activities and a constant and large outlay incident to an almost constant necessity for campaigning had drawn heavily upon his none too large estate, so that after he entered the Senate he found it necessary to devote much of his time to the paramount obligations of his family. His attention was therefore largely withdrawn from his official duties, and his enforced absence from the Senate thus prevented him from becoming familiar with that routine which is so essential to effective work here. When taunted by his opponents because of the modest extent of his achievements here, he found no difficulty in parrying a thrust which must have proven dangerous to almost any other candidate. He replied that when he came to the Senate he found it governed by traditions and customs that prevented proper recognition of the voice of the people, because its deliberations were dominated by standpatters and reactionaries, Democrats and Republicans alike, and that at the outset of his career

he conceived it to be his highest duty to aid in creating a public opinion that would cause the people to replace these customs with those which would make more largely for independence, and its membership a keener appreciation of what the people were entitled to, and a firmer determination to achieve it for them. He enlarged upon this idea extensively and presented it most attractively.

It was evident to those who were more intimately acquainted with his real opinion that he knew as well as any one else could know that his frequent and long-continued absences were interfering with the efficiency of his service here. He readily admitted as much before the last State convention, which declared his nomination for a second term, when he said that he was most gratified to be able to say that his business affairs were now in such condition that he could promise a more constant service in Washington, but no more loyal or devoted one. He said it was his purpose to take upon himself the task of mastering some of the current problems of the day, and he hoped to make himself useful in evolving and applying remedies of a substantial character. His assurance was most gratifying to his friends and followers, who found more difficulty than he did in causing his first explanation to be accepted. In the latter days of his life I found him more disposed to diligently investigate affairs of larger import than in former days, and I noticed an increasing absence of that intemperate form of expression which usually characterized his comment on official matters. I was much impressed with the belief that it was his fixed purpose to achieve a name here that would be creditable to him, and he knew affairs of this life well enough to know that he could only do this by the severest toil and the closest application to his duties. This change of attitude toward the service here was most gratifying to me, and encouraged the belief that if he should marshal into a coherent force the great qualities of energy, magnetism, and sincerity which he possessed and devote this combination to the achievement of the substantial things in which his people were interested his task would be easily and creditably performed.

There are multitudes who believe that he died too soon to afford an opportunity for a proper estimate of his real capacity and real purposes. His enemies believed him to be a mere self-seeking demagogue, who would not scruple to take advantage of any want of information or misinformation of his followers to advance his own political fortunes, while a larger

number of devoted friends reassured themselves with the conviction that he had a real capacity for statesmanship, and that after he had achieved a position where his own tenure was secure and his apprenticeship ended he would manifest the qualities of industry and constructive ability that would show him to be a real man among men in managing the affairs of the Nation. This question may now never be answered to the satisfaction and acceptance of all. I personally knew much of him, and I know that his intellectual qualities never were understood and appreciated to the extent that they deserved. While attracting one class he repelled another, and thus he submitted the question of his real ability and worth to a jury that may now never render a unanimous verdict. He was a greater lawyer than he ever got credit for being, and he was a more powerful intellectual force than casual observers ever believed to be the case. It is creditable to State pride to know that his death has now silenced every criticism, and that there is real sorrow throughout the Commonwealth today because of the event which we so regrettfully commemorate today.

BY MR. BRYAN, OF FLORIDA.

Mr. President: Arkansas was generous to Jeff Davis in the honors she conferred upon him. He was elected by the people of that State prosecuting attorney for two terms, Attorney General for one term, Governor three times in succession, and United States Senator twice in succession. He was in public life twenty years, held the highest offices within the gift of the people of a great State, and died at the early age of fifty years. The bare recital of these achievements proclaim him a remarkable man.

It is not by accident that a public man wins and retains public confidence and respect for so long a time in the great offices of Governor and United States Senator. The white light of publicity is thrown upon the record as it is written, and there will always be found those who are ready to take advantage of every opportunity to criticize adversely and to condemn.

Senator Davis did not attain his success by default. He met and overcame opposition, sometimes of the fiercest, at every stage of his career. He had to fight his way.

We all of us have our faults. Jeff Davis had his. I am sure he would not have us pretend otherwise for him. Moreover, men were not slow to call attention to these faults while

he lived. He had his loyal friends and supporters, who would not believe anything except good of him, and he had also his bitter enemies. He reciprocated in kind the feelings of each, with all the fervor of a strong, dominant, uncompromising nature. He asked no quarter and he gave none. He never surrendered to any foe save death—the great conqueror of us all.

The sudden ending of his earthly career seemed to draw closer to him the friends of a lifetime, and also to eradicate altogether the small and unimportant differences that had existed between him and those who had opposed him.

It was my privilege to attend his funeral. I saw his loyal friends from every part of the State, and was impressed by the unusual circumstance that a large number of them marched in a body to his last resting place. I inquired of some of those whom I met, to ascertain the secret of the success of this interesting man, and from the information thus gathered, I attribute his success—

First, to his unselfish fight for his party in the days when both the great political parties were strong contenders in his State for public favor, and

Second, to the claim, which seems well founded, that he always remained loyal to his friends, who believed that in him they had not only an able but a courageous leader.

BY MR. ASHURST, OF ARIZONA.

Mr. President: In obedience to a generous impulse of the human heart, the Senate of the United States, in the midst of its labors, at the closing hours of Congress, when every moment of time is precious, pauses to pay tribute to the memory of another of its deceased members, and to contemplate what has always been regarded as the most profound of life's mysteries—the mystery of death and the grave. At the grave Alexander left his worlds unconquered, and the rich man parted with his gold. At the grave Mozart apparently gave up his music, Lord Bacon forgot his learning, and Sir Isaac Newton abandoned philosophy and mathematics; at the grave friend is unlocked from the arm of friend and seemingly is thrust into everlasting and pulseless silence where ambition can no longer inspire nor glory thrill. During the Sixty-second Congress the greedy grave, whose ponderous jaws are never filled, removed from the Senate six Senators and its honored and beloved presiding officer, the Vice President of

the United States. Indeed, Mr. President, it is startling to realize that such a large percentage of Senators die in service.

From that memorable day—Monday, April 6, 1789, when Richard Henry Lee, of Virginia, appeared and took his seat and thus formed a quorum of the whole Senators of the United States for the first meeting of the Senate—down to this date eleven hundred men have been elected to membership in this body, and out of this roster 149 of them, or 13 6/11 per cent of the whole number elected to membership, died while in service, Senator Jeff Davis, of Arkansas, being the hundred and forty-ninth Senator to die in service. This list of eleven hundred men elected to membership in this body contains the names of strong men and weak men; the names of philosophers, philanthropists, and constructive statesmen; contemplative thinkers whose classic features have been preserved to us by the sculptor and the portrait painter; men wearing the bloody gauntlets of war; men wearing soft gloves of peace; men who opened and closed the purse of the Nation as they saw fit; men whose inelegant ostentation caused them to use their enormous wealth unwisely and unbecomingly; the names of sturdy farmers from New England's rock-bound coast; men fresh from the farms of the Middle States; planters from the Southern States; argonauts, ranchers, miners, cowboys, and Indian fighters from the Western States; orators who possessed, as was said of Mirabeau, “a tongue of fire steeped in honey;” the names of physicians who annihilate pain, who minister to the ills to which human flesh is subject, and who “charm ache with air and agony with ether;” historians, scholars, divines, and captains of industry; in fact, men of every creed, occupation, profession, and calling; men of valor, honor, and imperishable renown; men who, step after step, by honorable public service, have raised themselves from the ground floor of log cabins to the highest eminence of human distinction, and a remarkably small percentage of men who, during or after service here, so misbehaved themselves that they blighted their greatness and fame.

Contemplating this long list of men, it is not excessive eulogy to say that history will record Jeff Davis, of Arkansas, as one of the strong and striking characters that have come to this body. He was a faithful friend and a faithful enemy; at times in his life scorn and contumely were heaped upon him, but he always returned war for war, blow for blow, and scorn for scorn. He was “lofty and sour to those who loved him not; but to those who sought him, sweet as summer.” He

had, or affected to have, a profound indifference as to whether other men liked him. To his opponents he always presented defiant belligerency or supercilious disdain, but through the cracks of the rough veneer of this man there was to be seen and felt a warm, honest, and loyal heart. He was an inveterate foe to what he conceived to be shams, frivolities, and frills.

I said a moment ago that he was a strong man. Mr. President, no person could have been victorious in so many conflicts as was Jeff Davis and have attached to himself so many ardent and loyal friends unless he were indeed a very strong man. His friends clung to him with a beautiful fidelity, and neither time, nor change, nor false report could alienate their affections. He understood and appreciated perfectly the wants and desires of poor people. He was familiar with the disappointments of their daily life; he knew their broken ambitions. He knew the high and too frequently the baffled hopes of those who moil and toil; he was the especial advocate and friend of those men who, uncomplainingly, from day to day, met danger upon the trains, in the mines, and in the workshops, and it is recorded that in every lawsuit in which he took part he was invariably on the side of those who most needed help and mercy and to whom life, like the shirt of Nessus, the longer worn the more deeply it chafed the raw flesh and naked nerve. The accomplishment of these things writes Jeff Davis down as a strong man.

On the night of the 2d of January of this year he was seized by the sudden return of a disorder which had clamped itself about his heart some months previously. He called for his son to send for a physician, but before the physician could arrive Jeff Davis took his seat in the parliament of the skies.

BY MR. MARTINE, OF NEW JERSEY.

Mr. President: Jeff Davis was a great splendid specimen of manhood. My acquaintance with him was of but short duration. We seemed, however, during the little time we knew each other, to rub one another the right way from the very first we met, and hence each day with him to me was a day of delight and pleasantness. Jeff Davis, blessed with a splendid physique and strong personality, seemed to be a man who might reach a record of fourscore years and ten. We were congenial friends at once; his frankness and candor captivated me.

Twice during our acquaintance he said to me, however, when I mentioned his seemingly good health, "I am not altogether

myself, Martine; I am not well. While I can not leave to my family great wealth, I mean to leave them the history of an honest man ;" and, as God knows, I believe he did.

I feel that the best gauge, Mr. President, of a man is the opinion of his fellow citizens. As one of a delegation appointed by the President of this body to attend his funeral, we went on our sad mission, and as we reached the beautiful city of Little Rock, Ark., his home, sadness seemed to pervade the people on all sides; flags were at half-mast, and gloom seemed everywhere apparent.

Does some one say that Jeff Davis was bluff and blunt, different from others? Yes, in a way he was, but has not the great God of the universe in His wisdom made different shades in the foliage of a forest, yet all blending in a harmonious hue, all most pleasing to the eye? And so, even though Jeff Davis God had molded and characterized in a different way, yet Jeff Davis, broad, generous, liberal-hearted, and kind, was a splendid specimen of his Maker, an honest man.

On all sides as we wandered around the streets of that beautiful city we would hear knots of men and see a gathering of tearful women all bewailing the loss of their splendid fellow citizen, Jeff Davis. Rich and poor, white and black, all gathered in the tearful cortege to do his memory honor.

I feel, my friends, that as the day went by and as the sun went down all humanity seemed to testify that there had been laid away a loyal friend, a true husband, a loving father, ■ patriot, and a statesman.

BY MR. KAVANAUGH, OF ARKANSAS.

Mr. President: It is not simply a perfunctory compliance with an established custom that I ask the indulgence of the Senate for a few minutes, but a desire upon my part to deliver in these Halls, where he served with distinction, a tribute to the memory of my friend the late Senator Jeff Davis.

He was my personal and political friend for a period of almost a quarter of a century. Our friendship began before he had been drawn into the maelstrom of political life, where he gained his greatest achievements, and before I had been chained to the treadmill of business. During all this time the bonds of friendship had grown stronger and stronger, and as time rolled on I learned to love and appreciate the many good qualities of my friend whose loss we mourn tonight.

Senator Davis was born in 1862 midst the strife of that fratricidal conflict which came so near wrecking this Nation. It has been suggested that the spirit of the times impressed itself upon his nature, which, after lying dormant through the period of childhood and boyhood, asserted itself as soon as he entered public life. The only offspring of indulgent parents, he was given every advantage which his surroundings and the circumstances would permit. We find him, while yet a youth, admitted to the bar and to membership in the law firm of which his honored father was the senior partner. He soon became interested in politics, and from the time he entered the arena until the moment of his untimely death he was the "stormy petrel" of Arkansas public life. During his political career he overturned time-honored precedents, ignored cherished and sacred traditions, and ruthlessly shattered the political alignments of a half century, and for what? His enemies said he did all of these things to gratify an inordinate and selfish ambition. He and his friends said he was actuated only by a desire to serve the great common people, whose champion he was, and to restore the affairs of government to the simplicity and democracy of the forefathers. As citizen, attorney, and statesman, his every act and utterance was in behalf of those whom he termed "the under dogs in the battle of life."

In passing an eulogy upon his life at the grave a noted jurist of his native State said:

He was not very well suited to try a cause for a rich citizen against a common citizen \* \* \*. His feeling and sympathies were intensely human.

He held successively the offices of prosecuting attorney of his district, Attorney General and Governor of his State, and United States Senator. The secret of his great political success was that he never allowed himself to be placed on the defensive. He was so resourceful in maneuvering that he always found—and if he could not find it he made it—an opening for attack upon his adversary, and once the attack was begun he pursued it aggressively, fearlessly, and, his enemies said, ruthlessly. As an illustration of his boldness in political matters. I have known him while engaged in a contest to advocate on the stump the cause of another who was a candidate for a different office, or, upon the other hand, to assail another who was a candidate for a different office, when he deemed the man unworthy or that he was advocating a cause which Senator Davis did not approve. It may well be imagined that this brought down upon his head the maledictions of many people

who might otherwise have not enrolled themselves among his enemies. Despite such daring actions his onward march to success was never interrupted.

His friends fairly idolized him and with one accord indorsed his policies and actions. His enemies denounced him as a demagogue and a disturber, a destroyer of reputations. It has been said that he was the most beloved man, and, at the same time, the worst hated man in all Arkansas, but after all the denunciations have been summed up, his worst enemy has never accused him of dishonesty or corruption. In fact, his bitterest enemies, while railing at his successes and denouncing his methods, admitted the sincerity of his purpose and his devotion to principle. One of his most unrelenting critics was another friend of mine who succeeded by appointment to the vacancy caused by the death of Senator Davis. He is the editor of a great newspaper, the oldest, I believe, published west of the Mississippi River. In his newspaper, on the 31st day of March of last year, he said:

In his race for a second term in the United States Senate, Senator Jeff Davis has again shown his consummate skill in the pleading of his political cause before the jury of the people. Former Congressman Stephen Brundidge has fought a great fight—and at this writing has not made admission of defeat—in contest with the man against whom no foeman has been able to prevail these years he has held one high office after another. Jeff Davis is, in fact, one of the most remarkable campaigners and one of the most successful popular advocates American politics has produced. He puts his hand in the public hand and gives it a grip that makes a firm and feeling bond between. Thousands of people, men and women, look on him as their champion, their guardian, their safety, and their hope. He makes his wounds and injuries theirs, and they would avenge them as they would their own.

Thus, you see, those who opposed him realized his elements of strength. He was wont to say: "My friends are always right to me." And he expected his friends to reciprocate that feeling to the extent of its complete acceptance. He despised hypocrisy, he eschewed formality, and democratic simplicity marked the entire conduct of his life. This was the side of the life of Senator Davis which was presented to the public, and in presenting it I have stated it candidly and correctly as I have seen it. As I have said before, we were friends and neighbors.

Our associations lay along widely divergent lines and our opinions of matters and men were often far apart, but each respected the opinion of the other and we were always able, after a thorough discussion, to reach an understanding which in no wise affected our friendship, and it is as such a friend I speak today.

But, Mr. President, there is another side of the life of Senator Davis I desire to present, and that is the best and the most beautiful—his home life. No man ever lived who enjoyed a more ideal home life than he. He was twice married. His first marriage was to Miss Ina McKenzie and to them were born twelve children, eight of whom live to bless and honor the names of the parents who gave them birth. There was no service Senator Davis would not perform; there was no sacrifice that he could not make that would add to the pleasure or comfort of his family. He saw to it that his children were given every educational and social advantage that would enable them to make of themselves useful men and women, and today there are no brighter, sweeter, gentler young men or women, boys or girls, in the city of Little Rock than the children of Senator Davis. His first wife was one of the noblest women it has been my good fortune to know. Senator Davis fairly idolized her and was often heard to say he owed everything he was to her. His second marriage to Miss Leila Carter was no less happy. She entered into the spirit of his ambitions and assisted in his duties as only a devoted helpmate can do and today in their home in the city of Little Rock, she, the bride of a year, and the children of her husband and the aged mother of our departed friend, mingle their tears and sorrows together while trying to fathom the mysteries of fate that has taken from them their protector at the hour when he was most needed, comforted only by the thoughts that He does all things for the best—will care for them and so guide their lives that there will be a happy reunion beyond.

And now, Mr. President, may we not unite in saying: A chieftain has fallen, peace to his ashes, all honor to his memory!

## IN THE HOUSE.

## ADDRESS OF MR. OLDFIELD, OF ARKANSAS.

**Mr. Speaker:** On this occassion we are assembled for the purpose of paying tribute to the life, character, and public service of the Hon. Jeff Davis, late a Senator from the State of Arkansas. Mr. Speaker, this is to me a sad, a solemn occasion, for Senator Davis was my personal and political friend.

Senator Davis was born in Little River County, Arkansas, May 6, 1862, was educated in the public schools and the university of his State. He was admitted to the bar at the early age of 19 years. While a successful practitioner of the law, as ■ great many young lawyers do, especially those who live in small cities and towns, he entered politics early in life and was elected prosecuting attorney of his circuit in 1892 at the age of 30 years. He was re-elected to this office, and it is said of him that he made one of the ablest prosecuting attorneys his circuit ever had.

Senator Davis entered State poltics at a time when some of the brainiest men Arkansas has produced were in power. However, he brooked no obstacle and pressed forward to attain the goal of his ambition. He was bold and aggressive and immediately became the dominating figure in the politics of his State.

**Mr. Speaker,** if I were called upon to indicate the trait of character most developed in Senator Davis, I would unhesitatingly say it was his determination to succeed in his undertakings—his will power.

There is no chance, no destiny, no fate  
Can circumvent, or hinder, or control  
The firm resolve of ■ determined soul.  
Gifts count for nothing,  
Will alone is great,  
All things must give way  
Before it soon or late.  
What obstacles can stay the mighty force  
Of the sea-seeking river in its course,  
Or cause the ascending Orb of Day to wait?  
Each well-born soul must win what it deserves.  
Let the fool prate of luck, the fortunate is  
He whose earnest purpose never swerves,  
Whose slightest action or inaction  
Serves the one great aim. Why,  
Even Death stands still  
And waits an hour, sometimes,  
For such a will.

In 1898, at the age of 36 years, Mr. Davis was elected Attorney General of the State of Arkansas, and at the age of

38 years was elected Governor of his State, and to this office he was twice re-elected, being the only man to serve our State three times as Governor, and in passing, it may be said that his last contest for the Governorship was the fiercest and most terrific political battle ever waged in Arkansas. In 1906 Governor Davis was nominated by the Democratic party of his State for the office of United States Senator, defeating former Senator Berry—a distinguished veteran both of peace and war, one whom the people of Arkansas had rejoiced to honor—and was elected by the Legislature of 1907. He was renominated in 1912, but before the Legislature convened to carry out the will of the people and re-elect him, after answering to the roll call of the Senate for nearly six years, he was suddenly summoned by the roll call of eternity. Senator Davis served nearly six years in the United States Senate, and I have never heard any man in Arkansas criticise a single vote he cast in that body. He was a strong man before the people, and he always took his fights directly to them. His idea of government was that the people should rule. He thought the best government was the one closest to the people, and his battles were always for the purpose of bringing the people and the Government closer together.

Senator Davis was without doubt the most resourceful campaigner the State of Arkansas has seen. He was effective before his audiences, because he took the people into his confidence and appealed to the masses for support, and, as evidenced by his remarkable career, his appeals were not made in vain. To his friends he was true and loyal, as true as the stars to their appointed courses. He never forsook a friend or forgot a favor, and his loyalty to his friends was one of his great sources of strength. In his campaigns he was wont to refer to his friends as the "Old Guard," and when he sounded the call for battle the Old Guard was always ready for the fray, and when the ballots were counted they invariably showed that the "Old Guard" had stood firm and Jeff Davis had won.

Senator Davis was not one of those who went with the current, but, on the contrary, he spoke out boldly the things he believed and the policies he advocated. If he was for or against a proposition of policy or legislation, he boldly told the people and gave them his reasons. In his career as Governor and Senator he always championed the side of the plain citizen instead of the special interests. His career, indeed, lends hope and encouragement to those who depend upon the

support of the people instead of relying upon the agents of predatory wealth. It is an inspiration to the youth of the land who, without wealth, powerful friends, or family, must depend upon the justice and generosity of their countrymen.

In campaigns Senator Davis was his own manager, and I have been told by some of his close political advisers that he had an intuition which seemed almost marvelous. His combinations often appeared impossible and his plans impracticable, but under his leadership and in his hands simplicity marked their development and success vindicated their adoption.

**Mr. Speaker,** death is the great leveler.

In the democracy of the dead all men at least are equal.

There is neither rank nor station nor prerogative in the republic of the grave.

At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent.

Dives relinquishes his millions and Lazarus his rags.

The poor man is as rich ■■■ the richest, and the rich man is as poor as the pauper.

The creditor loses his usury, and the debtor is acquitted of his obligations.

There the proud man surrenders his dignity, the politician his honors, the worldling his pleasures; the invalid needs no physician, and the laborer rests from unrequited toil.

Here, at last, is nature's final decree in equity.

The wrongs of time are redeemed; injustice is expiated; the irony of fate is refuted; the unequal distribution of wealth, honor, capacity, pleasure, and opportunity, which make life such a cruel and inexplicable tragedy, ceases in the realm of death.

The strongest has no supremacy, and the weakest needs no defense.

The mightiest captain succumbs to that invincible adversary who disarms alike the victor and the vanquished.

**Mr. Speaker,** a tribute to the life and character of Senator Davis would be incomplete if reference were not made to the beauty of his home life. He was a devoted and loving husband, ■■■ generous and indulgent father, and the tenderness with which his family clung around him and to him marked the depth of their love and affection.

The Speaker at this point resumed the chair.

#### ADDRESS OF MR. JACOWAY, OF ARKANSAS.

**Mr. Speaker:** Of all the sweet and sacred ceremonies that precedent has established in this body, none, I think, is more beautiful than the custom of meeting here to do honor to the memory of those of our friends and colleagues who have fallen before the sickle of the Reaper. This is the opportunity and the occasion for the expression of our sentiments of love, regard, and appreciation for those who have gone

from among us, who have crossed over the river and rest under the shade of the trees.

When, however, I come to the knowledge that it is my sad duty and my privilege to address you on the life, the character, and the public service of the late lamented Senator Davis, the thought that lies uppermost in my mind is the realization of the poverty of my own vocabulary, the fact of the poverty of all human speech to do aught but to depict in barest words the history of this man. Beyond that words are but vain and futile. The archives of his State and his Nation bear witness to what he has been, but there is no power under heaven to gauge what he might have been, and none of us can know the work he left unfinished. God has written the book.

Senator Davis was peculiarly a product of Arkansas. During all the days of his life he was an actual resident of the State. Born in Little River County May 6, 1862, in the early days of that grim cycle of American history, when the plow-share was left to rust in the furrow while brother strove with brother in bloody conflict, his boyhood was not greatly different from that of the other youths of the period. A simple country lad, he went his way about his boyish tasks uncomprehending, I dare say, the distress and the disaster that the war had laid upon his country, and perhaps but dreaming only in the vague and unformed way of childhood of the measure of greatness that some day was to be given him.

But after the inscrutable manner of fate, he was early stamped as a favorite child of fortune, and it was decreed that the simple and honest love that he bore for the Commonwealth should some day be paid back to him until his name was a household word from hovel to hall, that he should hold a place in the hearts of his people second to none and a position in the council chamber of his Nation.

The genesis of his political career dates from his admission to the bar when but a boy of 19 years. Eleven years later he was elected prosecuting attorney of the Fifth Judicial District of Arkansas, comprising the counties of Conway, Johnson, Pope and Yell. Thence his career was a triumphant march onward. Measuring legal lances with one of the most able and astute bars of the whole State in daily warfare, his early training equipped him well for the high honors that were to follow. Four years later he became the Attorney General of the State, and in 1901 he was made Chief Executive. He was re-elected in 1903 and again in 1905, establishing a record that

has never been equaled before or since. Had his political career ended here, after this chain of unbroken successes, it might have been sufficient for the average man's ambition, but above and beyond was the ultimate goal. Its attainment seemed to be the inevitable end of his political policy—to bring nearer and dearer to him his friends, to stretch out his magnetic hand to others, until all vie with each other to search the gardens of their affection for flowers to weave into wreaths with which to crown him. On February 27, 1907, he was elected to the Senate of the United States, serving his first term, with the exception of a few days. Had he lived he would have succeeded himself in January of the present year.

Whether in the trial of causes in the court room or in the feverish campaigns that marked the hotly contested battles he waged for political supremacy, he was known as a fighter, nor does history produce a general who laid his plans or adapted his tactics to the need of the hour with a skill more consummate than his. As a campaigner few knew human nature better than he, and as a public speaker he possessed an invincible potency, and few could gauge an audience with an accuracy more unerring than he. Politically he created his own sentiment and asked no man to go where he himself would not lead. A master in the art of invective and satire, it perhaps may be that he was sometimes severely caustic, but friend and foe alike admitted his power.

Born, as it were, in battle, even as the fragrance of the flowers in his early boyhood was blent with the acrid odor of burnt powder, so in later years the flowers of friendship that grew along the pathway of his career mingled their odor with the scent of hot fights for power and place. The early years found him a wondering boy, often pausing, perhaps, to listen to the dull, dead boom of cannon; and the later years find him a strong man, girt for the battle, a leader and a chief. The secrets of warfare were his, oftentimes the wounds and the hurt; but life had been lavish with its laurels, and even in the thickest, hottest of his campaigns he was spurred and inspired by the memory of other hard fights fought and won, and the knowledge of the multitude, the common people, if you will, who looked on him as their champion and whose prayer was that their leader could not fail them.

Such was his public life. That he was loved by those whose trust he had, whose leader he was, the great concourse of people, 15,000 strong, who stood at his open grave testifies. From the home of his boyhood they came, from the field and

the forum, near and far. Among them stood a coterie of the Nation's most distinguished statesmen, the emissaries of his Government, who had journeyed thousands of miles to do him honor, and all listened with bared heads to the rites that consigned him to the earth from whence he sprung.

The love and esteem in which he was held was intensified and deepened and broadened in his own home, where he ruled as a sovereign, a friend, and a comrade in one; a kind, a devoted and indulgent father, and a loving husband. Out beneath the stars in Mount Holly Cemetery at Little Rock he sleeps beside the Christian wife and devoted mother who went before him into the great beyond, while in the hushed home, with heartache and heartbreak, the lovely wife prostrated with grief, the aged and gentle mother who gave him birth, the stalwart sons and the womanly daughters he left, mourn his untimely death.

There is, Mr. Speaker, a consummate tragedy in the death such as that which overtook Senator Davis in the prime of his life and the full flower of his career. It was not the mustering out of the wayworn warrior at the end of the campaign, nor the docking of the ship at the home port. It came upon him with the stealth of an assassin, striking without warning and without mercy, unheralded and unanticipated. A moment he stood, a strong man in the pride of life, and then he fell. Like that mysterious realm that lies beyond the frontier of life, so also are the ways of death and its manner of coming beyond the power of human mind to compass. Some die in the dawn of life, in that sweet world that is peopled only by loved ones, and knows no rule but a mother's loving guidance; and some go out with the twilight, with the knowledge that life could hold no more. But Senator Davis died at the noontime of his life, a strong man full of force and power, a sachem in the council. Some one has written:

Yet after all, it may be best, just in the sunniest, happiest hour of all the voyage, while eager winds are kissing every sail, to dash against the unseen rock, and in an instant hear the billows roar above a sunken ship. For whether in mid-sea or 'mong the breakers of the farther shore, a wreck at last must mark the end of each and all.

Mr. Speaker, for us all Time is beating funeral marches to the tomb, and "neither wealth nor station nor prerogative" can stay the coming of our dissolution. In death there ever remains an unfathomed, unknowable mystery and a philosophy that passeth understanding. It is the transition from the finite to the infinite, the veiled link between time and eternity. We know that yesterday this man was here, high in place and

power, loving and beloved—vital with the rich red blood of life. We know today that the finger of God has touched him, and that he sleeps and is not; that these halls, or any earthly halls will never again shelter his presence or ring with his voice; that he has entered into the state that knows no caste or class, no place or power. Whether it was for the best I can not say. I do not know, nor does any other man. But I know that God is, that a deathless force lives on, and that long after the moss has grown green on the stone that marks his resting place, his name will still be bright on the pages of his Nation's history, and his memory deeply embedded in the hearts of his countrymen.

## APPENDIX.

## A.

A BILL (S. 100) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes, introduced by Mr. Davis, December 4, 1907.

*Be it enacted, etc.*, That any corporation organized under the laws of the United States of America, or under the laws or authority of any foreign country, and transacting or conducting any kind of interstate or international business in the United States of America, or any partnership or any individual or other association of persons whatsoever, and wherever existing or resident, who are now or shall hereafter create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation, or understanding, whether the same be made in the United States of America or elsewhere, with any other corporation, partnership, individual, or other person or association of persons, wherever existing or resident, to regulate or fix, either in the United States of America or elsewhere, in any interstate or international business or transaction, the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining or any article or thing whatsoever, the subject of or that may be the subject of interstate or international commerce, or who now or shall hereafter enter into, become a member of or a party to any pool, agreement, contract, combination, association, or confederation whether the same be made in the United States of America or elsewhere to fix or limit, in the United States of America or elsewhere in any interstate or international manufacture, mechanism, merchandise, commodity, convenience, repair, and product of mining, or article or thing whatsoever aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to the penalties as provided in this act.

SEC. 2. That any person, partnership, firm, or association, or any representative or agent thereof, or any corporation or company, or any officer, representative, or agent thereof, violating any of the provisions of this act shall forfeit not less than \$5,000 for every such offense, and each day such person, corporation, partnership, or association shall continue to do so shall be a separate offense, the penalty in such case to be recovered by an action in the name of the United States of America, upon the relation of the Attorney General of the United States of America or the district attorney in the district of the State where the offense may be committed, the moneys thus collected to be applied as ordinary fines and forfeitures as now provided by statute; and in addition to such forfeiture any person, representative, or agent of any partnership, association, corporation, or company, or any officer thereof, within the territory of the said United States, violating the provisions of this act shall be deemed guilty of a felony, and shall, upon indictment and conviction, be imprisoned in the Federal jail or penitentiary house for a period of not less than five, nor more than twenty-one years; provided, that it shall be no defense by any such persons, representative, or agent that any such pool, trust, agreement, combination, confederation, or understanding was consummated within a foreign country or in part in such foreign country or countries.

SEC. 3. That any corporation created or organized by or under the laws of the United States of America, or of any State thereof, and transacting any kind of interstate or international business which shall violate any of the provisions of the preceding sections of this act shall thereafter forfeit all rights to do any such interstate or international business, and its corporate existence, in case of corporations existing under said Federal laws, shall, upon proper proof being made in any court of competent jurisdiction of the United States of America, be by the court declared forfeited, void, and of noneffect, and shall thereupon cease and determine. Any corporation

created or organized by or under the laws of any foreign country which shall violate any of the provisions of the preceding sections of this act shall forfeit its right and privilege to do any kind of business in the United States of America, and upon proper proof being made of such violation in any court of competent jurisdiction of the United States of America its right and privilege to do business in the United States of America shall be declared forfeited; and in all proceedings to have such forfeiture declared proof that any person who has been acting ~~as~~ the agent of such foreign corporation in transacting any kind of interstate or international business in the United States of America has been, while acting as such agent and in the name, behalf, or interest of such foreign corporation, violating any of the provisions of the preceding sections of this act, shall be received *prima facie* the act of the corporation itself; and it shall be the duty of the clerk of the court in which said proof is made to certify to the proper officer of the foreign country or State in which said corporation chartered to do business ~~when~~ authorized the facts of said trial and judgment, of which said officer shall take notice and be governed thereby as to the corporate powers and rights of said corporation in the United States of America.

SEC. 4. That the sale, delivery, or disposal of any of the articles, commodities, or things hereinbefore mentioned by any individual, company, or corporation in transacting any kind of interstate or international business contrary to the provisions of this act within the United States of America is hereby declared to be unlawful and contrary to public policy, and the purchaser of any said article, commodity, or thing from any such individual, company, or corporation shall not be liable for the price or to pay therefor, whether the purchase was made directly from the individual, company, or corporation so unlawfully transacting business or indirectly from one who acted for such individual, company, or corporation, as agent, representative, solicitor, or canvasser; *provided*, that where any money or other thing of value is or shall be paid to such individual, company, or corporation so unlawfully transacting an interstate or international business within the United States of America, its agents, representative, solicitor, or canvasser, the person so paying the same may recover back the amount of the money or the value of the thing so paid by suit in any court of competent jurisdiction in the United States.

SEC. 5. That a monopoly or trust intended to be prohibited by this act is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, customs, skill, or acts, or any other valuable thing or possession, by or between persons, firms, or corporations, or associations of persons, firms, or corporations, whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished, or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several evil results mentioned herein are reasonably calculated to be produced; and a monopoly or trust as thus defined and contemplated includes not merely such combination by and between two or more persons, firms, and corporations acting for themselves, but is intended to include all aggregations, amalgamations, affiliations, consolidations, or incorporations of capital, skill, credit, assets, property, customs, trade, or other valuable thing or possession, whether effected by the ordinary methods of partnership or by actual union under the legal form of a corporation, or any incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition, or control of shares or certificates of stocks or bonds or other corporate property or franchises, and all partnerships and corporations that have been or may be created by the consolidation or amalgamation of the separate capital, stock, bonds, assets, credit, property, customs, trade, corporate or firm belongings of two or more persons, firms, or corporations or companies are declared to constitute monopolies or trusts within the meaning of this act, if so created or entered into for any one or more of the purposes named in this act; and a monopoly or trust ~~as~~ thus defined in this section is hereby

declared to be unlawful and against public policy, and any and all persons, firms, corporations, or associations of persons engaged therein shall be deemed and adjudged to be guilty of a conspiracy to defraud and shall be subject to the penalties prescribed in this act.

SEC. 6. That if any person, persons, company, partnership, firm, association, corporation, or agent engaged in the manufacture or sale of any article of commerce or consumption in an interstate or international business, produced, manufactured, or mined in the United States of America or elsewhere, shall, with the intent and purpose of lessening or driving out competition or financially injuring competitors engaged in similar business, or shall sell at a less price in one section of the United States than in another for the purpose of lessening competition or injuring competitors engaged in similar business, said persons or persons, company, partnership, association, corporation, or agent resorting to any such methods of securing a monopoly within the United States of America in such business shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade, and on conviction thereof shall be subject to the penalties of this act.

SEC. 7. That whenever any proceeding shall be commenced in any court of competent jurisdiction in the United States of America, by the Attorney General thereof or the district attorney of the district in any State in which said offense may be committed, against any corporation or corporations, individual or individuals or association of individuals, or joint stock associations or copartnerships, under this act, for the formation and maintenance of pools or trusts of any kind, monopolies or confederations, combinations or organizations in restraint of trade, to dissolve the same or to restrain their formation or maintenance in the United States of America, or to recover the penalties in this act provided, then and in that case, if the Attorney General or district attorney as aforesaid desires to take the testimony of any officer, director, agent, or employee of any corporation or joint stock association proceeded against, or, in case of a copartnership, any of the members of said copartnership, or any employee thereof, in any court in which said action may be pending, and the individual or individuals whose testimony is desired resides more than 100 miles from the place of trial, then and in such case the Attorney General or district attorney may file in said court in term time, or with the judge thereof in vacation, a statement in writing setting forth the name or names of the persons or individuals whose testimony he desires to take, and the time when and the place where he desires said persons to appear; and thereupon the court or judge shall make an order for the taking of said testimony of such person or persons and for the production of any books, papers, and documents in his possession or under his control relating to the merits of any suit, or to any evidence therein, shall appoint a commission for that purpose, who shall be an officer authorized by law to take depositions, and said commission shall issue immediately a notice in writing directed to the attorney or attorneys of record in said cause, or agent or officer or other employee, that the testimony of the person named in the application of the Attorney General or district attorney is desired, and requesting said attorney or attorneys of record, or said officer, agent, or employee to whom said notice is delivered, and upon whom the same is served, to have said officer, agent, employee, representative of said copartnership, or agent thereof, whose evidence it is desired to take, together with such books, papers, and documents, at the place named in the application of the Attorney General or district attorney, and that the time fixed in said application then and there to testify; *provided, however,* that such application shall always allow in fixing said time three days' travel to reach the place so designated for the taking of said testimony; *provided, further,* that in addition to the said three days ten days shall be allowed for the attorney or attorneys of record, or the agent, officer, or employee upon whom notice is served, to notify the person or persons whose testimony is to be taken. Service of said notice as returned in writing may be made by any officer authorized to serve a subpoena.

SEC. 8. That whenever the persons mentioned in the preceding sections shall be notified, as above provided, to request any officer, agent, director, or employee to attend before any court, or before any person authorized to take the testimony in said proceedings, and the person or persons whose testimony is requested, as above provided, shall fail to appear and testify and produce any books, papers, and documents, they may be ordered to produce by the court or other officer authorized to take such evidence, then it shall be the duty of the court, upon motion of the Attorney General or district attorney, to strike out the answer, motion, reply, demurrer, or other pleading then or thereafter filed in said action or proceeding by the said individual, corporation, joint stock association, or copartnership whose officer, agent, director, or employee has neglected or failed to attend and testify and produce all books, papers, and documents he or they shall have been ordered to produce in said action by the court or person authorized to take said testimony, and said court shall proceed to render judgment by default against said corporation, joint stock association, or copartnership; *provided, further*, that in case any officer, agent, employee, director, or representative of any individual, corporation, joint stock association, or copartnership in such proceeding as hereinbefore mentioned, who shall reside or be found within the United States or America, or within the district of the State where such proceedings are had, shall be subpoenaed to appear and testify or to produce books, papers, and documents, and shall fail, neglect, or refuse to do so, then the answer, motion, demurrer, or other pleading then and thereafter filed by said individual, corporation, joint stock association, or copartnership in any such proceeding, shall, on motion of the Attorney General or district attorney, be stricken out and judgment in said cause rendered against said individual, corporation, joint stock association, or copartnership; *provided, further*, that upon proper showing to the court within sixty days that such failure or neglect was due to sickness or unavoidable accident or unintentional delay, such default judgment may be set aside, but the court shall not act until such evidence is duly given.

SEC. 9. That it shall be the duty of the Attorney General of the United States and the district attorneys of each district in the State in which said offense may be committed, respectively, to enforce the provisions of this act. The Attorney General or the district attorney, or both, with the assistants, shall institute and conduct all suits for the enforcement of this act in the district courts of the State in which said offense may be committed, and upon appeal the Attorney General of the United States or his assistants shall prosecute said suit in the Supreme Court of the United States or any courts of appeal. And all actions authorized and brought under this act shall have precedence, on motion either of the Attorney General or the district attorney, of all business, civil or criminal, except in criminal cases where the defendants are in jail.

SEC. 10. That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed, and this act shall be in force and take effect from and after the date of passage.

## B.

### CAUSES LEADING TO THE ORGANIZATION OF TRUSTS.

The Industrial Commission of 1900 and 1901 in summing up the causes leading to the organization of trusts say that most of the witnesses were of opinion that competition, so vigorous as to destroy nearly all the profits, was the chief cause. Mr. Havemeyer agreed with this, but said that this competition had been brought about by the fact that the too high protective tariff had tempted many rivals into the field, and named the customs tariff as the chief cause. Some of the witnesses stated that their organizations were formed to make economies, to lessen competition, and to get higher profits. Chairman Gates said that the American Steel and Wire Company was formed because its organizers "wished to be the wire manufacturers of the world."

## FORM OF THE ORGANIZATION.

The form of organization that has given them their name, "trusts," ~~was~~ the one started by the Standard Oil Trust in 1882, afterward followed by the Whiskey Combination, the Distillers and Cattle Feeders' Trust, and the Sugar Trust. The stockholders simply assigned their stock in trust to a board of trustees without the power of revocation. That board of trustees then held the voting power of the stocks of the different companies and was thus enabled, through the election of directors, to control them absolutely. These trusts, owing to hostile legislation, apparently went out of existence, although this is a matter of much doubt.

The form of organization that seems most common at the present time is a single large corporation which owns outright the different plants. A combination of this kind is formed by a purchase of all the plants of the different corporations, the corporations then dissolving as separate corporations. Payments for the plants are largely made in stock of the new corporation, and the affairs are managed by the stockholders of the one corporation through their board of directors. Most of these companies organize under New Jersey law.

Another form of organization, which is in many particulars quite like the original trust form of the old Standard Oil Trust, is that which has been taken by the Federal Steel Company, the Distilling Company of America, and others. In this form the central company, instead of purchasing the plants of the different corporations which it is proposed to unite, simply buys a majority of the stock or possibly the entire stock of each one of the corporations. The separate corporations keep in separate corporate existence, but a majority of the stock being held by the one larger corporation, the officers of course elect the boards of directors of all the separate corporations, and in this way hold complete control.

The total capitalization of the new industrial combinations reach ~~an enormous~~ sum, well into the billions, and far exceeds the cash value of their property.











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